

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
SOUTH WILLIAMSPORT SABRECOM, INC.)	FCC File No. 0001241789
)	
Application for Modification of the License for)	
Aural Studio Transmitter Link, Call Sign)	
WLP275, in the Microwave Radio Services)	

ORDER ON RECONSIDERATION

Adopted: September 5, 2003

Released: September 10, 2003

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. *Introduction.* On April 10, 2003, Smith Radio LLC filed a petition for reconsideration (Petition), on behalf of South Williamsport SabreCom, Inc. (SabreCom), of the dismissal of the above-captioned application.¹ SabreCom requests that we reinstate its application to modify its authorization to operate Aural Studio Transmitter Link Station WLP275, Williamsport, Pennsylvania. For the reasons set forth herein, we grant the Petition and reinstate the above-captioned application.

2. *Background.* On March 17, 2003, SabreCom filed an application seeking to modify the license for Station WLP275 by changing the authorized Equivalent Isotropically Radiated Power (EIRP) to 57.1 dBm for frequencies 945.375 MHz and 945.625 MHz.² The instructions for FCC Form 601 Schedule I state that it is necessary to complete only the items that have changed for each listed frequency.³ SabreCom claims to have verified these instructions in a telephone call to the FCC. Specifically, SabreCom states it was advised that it did not have to provide the frequency information that was not being modified, because that information was already on file.⁴ As EIRP was the only frequency attribute seeking to be changed, SabreCom, in completing the frequency information on Schedule I, Supplement 4, Frequency Data, entered only the EIRP attribute of the existing frequencies. On March 21, 2003, the Licensing and Technical Analysis Branch (Branch) of the Wireless Telecommunications Bureau's (Bureau) Public Safety & Private Wireless Division dismissed SabreCom's application as defective, on the grounds that SabreCom's application contained incomplete information in Schedule I.⁵

3. SabreCom states it was advised by FCC staff that the application was dismissed because the licensing information for Station WLP275 apparently did not transfer from an old database system to

¹ Petition for Reconsideration, dated Mar. 27, 2003 (filed Apr. 10, 2003) (Petition).

² FCC File No. 0001241789.

³ Petition at 2; *see* FCC Form 601, Schedule I – Instructions at 14 (“If you are modifying attributes of existing frequencies, . . . complete only the items that have changed for each frequency.”).

⁴ Petition at 2.

⁵ *See* Notice of Application Dismissal, Reference No. 1790604 (Mar. 21, 2003).

the Universal Licensing System (ULS).⁶ On April 10, 2003, SabreCom filed the instant Petition requesting reconsideration of the Branch's dismissal of the captioned application.

4. *Discussion.* In its Petition, SabreCom asserts that the Branch's action was unfair because SabreCom adhered to both written and verbal instructions provided by the FCC. Further, it contends that it could not have known that the original information filed for Station WLP275 was missing from the ULS licensing records. SabreCom further states that it does not object to refiling the FCC Form 601 to provide the information, but requests that the application be reinstated.⁷

5. Based, on the information before us, we conclude that grant of the Petition is warranted. In this connection, we note that on August 6, 1999, the Bureau announced that on August 30, 1999, it would begin to use the ULS for licensing activities related to the Microwave Services.⁸ The Bureau stated that all existing license data would be transferred to the ULS.⁹ However, it now appears that the pre-ULS processing did not capture all the frequency attributes that are required in the ULS. We agree that in light of the written and oral instructions SabreCom received, it could not have known that it was required to supply the incomplete frequency information for Station WLP275. Therefore, taking into account all the facts and circumstances of the instant matter, we conclude that SabreCom should be granted the requested relief.

6. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the Petition for Reconsideration filed by South Williamsport SabreCom, Inc. on March 27, 2003, IS GRANTED to the extent stated herein.

7. IT IS FURTHER ORDERED that the South Williamsport SabreCom, Inc.'s application, FCC File No. 0001241789, SHALL BE REINSTATED. IT IS FURTHER ORDERED that South Williamsport SabreCom Inc. provide the complete frequency attributes information requested in FCC Form 601 Schedule I, Supplement 4, Frequency Data for Station WLP275, Williamsport, Pennsylvania within 60 days of the release of this Order on Reconsideration. Such information should be directed to the Public Safety and Private Wireless Division, Licensing and Technical Analysis Branch. Upon receipt of such information the Branch shall take appropriate action on the subject application consistent with the applicable Commission rules and policies, and this Order on Reconsideration.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMUNICATION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

⁶ *Id.* at 2-3.

⁷ *Id.* at 3.

⁸ See Wireless Telecommunication Bureau to Begin Use of Universal Licensing System (ULS) for Microwave Services on August 30, 1999, *Public Notice*, 14 FCC Rcd 12393, 12393 (WTB 1999).

⁹ *Id.*