



# PUBLIC NOTICE

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## **Wireless Telecommunications Bureau to Enhance its Universal Licensing System to More Accurately Reflect Termination of Unconstructed Licenses**

The Wireless Telecommunications Bureau (Bureau) has initiated the development of an automated feature in its Universal Licensing System (ULS) to identify licenses that have terminated automatically for failure to meet construction or coverage requirements. This enhanced capability will increase the accuracy of the Commission's licensing records, as well as expedite the reassignment of unused spectrum. The Bureau anticipates implementing this feature in June 2005. In the interim, the Bureau urges licensees to review their licensing records to ensure that construction notifications (where required) have been properly filed.

Upon implementation, ULS will identify those licenses or frequencies for which a timely notice of construction or a request for an extension of the construction or coverage period was not filed by the required deadlines.<sup>1</sup> For those licenses or frequencies identified, ULS will generate a notice to the licensee at its official address of record in ULS announcing the termination of its authorization, and will list the license or frequency in a weekly Public Notice announcing the authorization termination, thirty (30) days after the deadline for construction or coverage. The licensee then will have thirty (30) days from the date of the Public Notice to file a petition for reconsideration.<sup>2</sup> Once the time period for filing a petition for reconsideration has lapsed, ULS will automatically change the status of the license or frequency to "terminated," and

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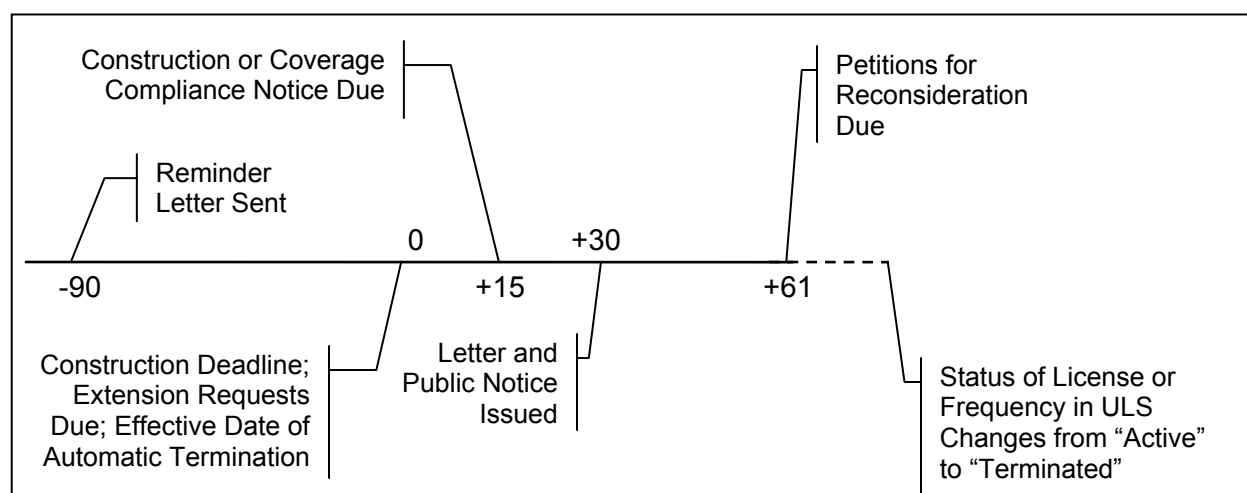
<sup>1</sup> See 47 C.F.R. § 1.946. Licensees are required to confirm compliance with a construction or coverage requirement, including substantial service, no later than fifteen (15) days after the expiration of the applicable construction or coverage deadline. 47 C.F.R. § 1.946(d). An extension of time to meet the requirement may be requested before the construction or coverage deadline. 47 C.F.R. § 1.946(e). Licensees that fail to meet the requirement by the expiration of the deadline will have their licenses automatically terminated, without specific Commission action, on the date the construction or coverage period expired. 47 C.F.R. § 1.946(c). Failure to provide a timely response may also result in enforcement action, including monetary forfeiture, pursuant to Section 503(b)(1)(B) of the Communications Act and Section 1.80(a)(2) of the Commission's Rules.

<sup>2</sup> See 47 C.F.R. §§ 1.4(b), 1.4(d) for computation of the beginning date and terminal date.

the termination will be effective on the date when the construction or coverage period expired.<sup>3</sup> In addition, the license or frequency thereafter will be available for the Commission to reassign.<sup>4</sup>

Prior to this implementation, the Bureau in May 2002 began sending construction and coverage reminder notices ninety (90) days prior to the expiration of the relevant construction or coverage period, to certain wireless service licensees that have construction or coverage performance requirements. This service has proven very beneficial to both wireless licensees and the Bureau. The enhancement of ULS to add an automatic termination notification feature will increase the accuracy of our licensing records and expedite reassignment of unused spectrum.

The timeline below summarizes the complete automatic termination process:



Over the next few months, the Bureau will continue its public outreach program to provide additional information about the automatic license termination program and its implementation. The Bureau has established an Internet site dedicated to information on construction and coverage requirements, including how to check a license in ULS for the relevant construction or coverage period. This site is located at <http://wireless.fcc.gov/licensing/const-req>. Licensees that timely have met their construction or coverage requirement, but have failed to provide the required notification, should take

<sup>3</sup> In a Declaratory Ruling issued today, the Bureau clarifies the reconsideration period and effective termination date associated with the automatic termination process for all wireless service licensees that have construction or coverage performance requirements. *Clarification of Reconsideration Period and Effective Date for Terminations of Wireless Radio Service Authorizations*, Declaratory Ruling, WTB Docket No. 05-23, (rel. Jan, 2005).

<sup>4</sup> See *Biennial Regulatory Review—Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services*, Report and Order, 13 FCC Rcd 21027, 21076-77 para. 106 (1998). We note that licenses may revert back to the Commission, or, in some instances, to the geographic licensee.

immediate steps to prevent license termination. Such licensees should file FCC Form 601, Schedule K together with a request for waiver of the rule that requires timely filing of notice.<sup>5</sup>

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<sup>5</sup> See 47 C.F.R. § 1.946(d). For information on how to file the appropriate forms, see <<http://wireless.fcc.gov/licensing/const-req>>. Additionally, the Commission will issue subsequent Public Notices over the next few months providing more detailed information on the automatic termination process.