

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

In the Matter of	)	
	)	
GREENFIELD AREA LIFE SQUAD, INC.	)	FCC File No. 0001579209
	)	
Petition for Reconsideration Filed by American	)	
Association of State Highway and Transportation	)	
Officials	)	

**ORDER ON RECONSIDERATION**

**Adopted: August 10, 2006**

**Released: August 11, 2006**

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

1. *Introduction.* We have before us a petition for reconsideration (Petition) submitted by the American Association of State Highway and Transportation Officials (AASHTO) on behalf of Greenfield Area Life Squad, Inc. (Greenfield).<sup>1</sup> AASHTO requests reconsideration of the August 1, 2004, dismissal of the above-captioned application.<sup>2</sup> For the reasons discussed below, we deny the Petition.

2. *Background.* Greenfield is an ambulance company that uses radios for communication between its ambulance workers and hospitals.<sup>3</sup> On January 13, 2004, Greenfield filed an application seeking authorization for a new conventional Public Safety Pool station in Greenfield, Ohio.<sup>4</sup> The application indicated that AASHTO had coordinated the application, but did not specify AASHTO (or any other entity) under the portion of its application requesting contact information, if different from the applicant.

3. Because Greenfield's proposed operating parameters exceeded the limits in Section 90.205 of the Commission's Rules,<sup>5</sup> the application was returned to Greenfield on May 10, 2004, to allow the applicant to amend it.<sup>6</sup> The return letter informed Greenfield that failure to file an amendment within

<sup>1</sup> See Letter from Larry A. Miller, American Association of State Highway and Transportation Officials, to Office of the Secretary, FCC (dated August 17, 2004) (Petition).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> See FCC File No. 0001579209 (filed Jan. 13, 2004). Greenfield previously was authorized under Call Sign KXX578, but that license expired by its own terms on February 19, 2003, and was canceled on May 25, 2003.

<sup>5</sup> 47 C.F.R. § 90.205. Section 90.205 states that applicants will be given no more power than the actual power necessary for satisfactory operation, and that applications filed after August 18, 1995, for new stations in the 150-174 MHz band that seek authorization for a service area radius greater than forty kilometers must justify the additional area and include a technical demonstration showing that the signal strength at the edge of the service area does not exceed 37 dBu. 47 C.F.R. § 90.205(d). Greenfield proposed a service radius of sixty miles (ninety-six kilometers), but neither justified the additional area nor included a technical demonstration.

<sup>6</sup> See FCC Return Letter No. 2755061 (May 10, 2004).

sixty days of the date on the return letter would result in dismissal of Greenfield's application.<sup>7</sup> The letter was sent to the address that Greenfield listed in the application. Greenfield did not file an amended application. Consequently, the application was dismissed on August 2, 2004.<sup>8</sup>

4. On August 17, 2004, AASHTO requested reconsideration of the dismissal of Greenfield's application. AASHTO states that it did not receive a copy of the return letter.<sup>9</sup> AASHTO also indicates that Greenfield has agreed to revise its request to comply with Section 90.205.<sup>10</sup>

5. *Discussion.* That the Commission did not send the return letter to an address that Greenfield did not list on the application is not grounds for reconsideration of the dismissal. The letter was sent to the address that Greenfield furnished on the portion of its application requesting applicant information. The mailing address furnished by a licensee on its most recent application will be used by the Commission for delivery of official correspondence unless the licensee notifies the Commission to the contrary,<sup>11</sup> and the licensee is responsible for making any necessary arrangements to assure the prompt delivery of documents or correspondence from the Commission to some person authorized to act on its behalf.<sup>12</sup> There was no requirement that the letter be sent to AASHTO.<sup>13</sup> Furthermore, Greenfield bears the obligation for responding to application returns.<sup>14</sup> Accordingly, failure of AASHTO to receive notice of the return letter from the Commission does not excuse Greenfield's failure to amend the application. Therefore, we deny the Petition.<sup>15</sup>

6. *Ordering Clauses.* Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Sections 1.106 and 1.934 of the Commission's Rules, 47 C.F.R. §§ 1.106, 1.934, the Petition for Reconsideration filed by the American Association of State Highway Transportation Officials, Inc. on August 17, 2004, IS DENIED.

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<sup>7</sup> See *id.* at 1.

<sup>8</sup> See FCC Dismissal Letter No. 2952513 (Aug. 2, 2004).

<sup>9</sup> See Petition at 1.

<sup>10</sup> *Id.*

<sup>11</sup> 47 C.F.R. § 1.5(a).

<sup>12</sup> 47 C.F.R. § 1.5(b).

<sup>13</sup> Indeed, the Commission has specifically declined to require coordinators to handle application returns. See Frequency Coordination in the Private Land Mobile Radio Services, WT Docket No. 83-737, *Report and Order*, 103 F.C.C. 2d 1093, ¶ 24 (1986) (“[w]e are persuaded by the comments that requiring coordinators to handle application returns would introduce a delay in the licensing process and additional costs for applicants without any significant benefit”). The Commission did indicate that it would “return all defective applications directly to the applicant or, *if requested*, to the applicant's representative,” *id.* (emphasis added), but, as noted above, Greenfield never requested that correspondence related to its application be sent to AASHTO.

<sup>14</sup> In cases where the application is returned, the applicant must respond by amending its application to provide the requested information within sixty days. If at the end of the sixty-day period the Bureau is still unable to process the application (whether or not it has been amended), the Bureau may dismiss the application pursuant to Section 1.934(c) of the Commission's Rules, 47 C.F.R. § 1.934(c), for failure to prosecute. See Wireless Telecommunications Bureau Revises and Begins Phased Implementation of Its Unified Policy for Reviewing License Applications and Pleadings, *Public Notice*, 14 FCC Rcd 11182, 11186 (WTB 1999).

<sup>15</sup> We note that the dismissal of Greenfield's application was without prejudice to Greenfield submitting a new application.

7. 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 COMMISSION

Michael J. Wilhelm, Chief  
Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau