

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

In the Matter of)
)
FORD COMMUNICATIONS INC.)
Station WPIR939, Hazelwood, Missouri)
)
Request for Cancellation of License)

ORDER

Adopted: May 1, 2009

Released: May 4, 2009

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* We have before us a request filed by Ameren Services Company (Ameren) on March 25, 2009, seeking the cancellation in the Commission's Universal Licensing System (ULS) of the license of Ford Communications Inc. (Ford) for Industrial/Business Pool Station WPIR939, Hazelwood, Missouri (Request).¹ For the reasons set forth below, we grant the Request and will modify the Commission's licensing records to reflect the cancellation of the license.

2. *Background.* On February 9, 2001, the Commission renewed Ford's license to operate Industrial/Business Pool Station WPIR939, Hazelwood, Missouri.² In support of its request that the Commission cancel this license, Ameren argues that the license terminated automatically due to a permanent discontinuance of station operations.³ Ameren alleges that Ford's Hazelwood manufacturing facility was shuttered in 2006, and was subsequently sold and torn down.⁴

3. On April 3, 2009, the Wireless Telecommunications Bureau's Mobility Division (Division), acting pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁵ requested that Ford provide specified information concerning the operational status of Station WPIR939 within thirty days.⁶ The Division Letter stated that if Ford failed to respond within thirty days, the Division could conclude that the authorization for Station WPIR939 had terminated due to permanent discontinuance of operation.⁷ The Division Letter was returned as undeliverable.

¹ See Letter dated Mar. 12, 2009 from Eric J. Schwalb, counsel for Ameren, to Robert McKinney, District Director, Kansas City District Office, Federal Communications Commission (filed Mar. 25, 2009) (Request).

² FCC File No. 0000363115 (filed Feb. 5, 2001).

³ See Request at 2 (citing 47 C.F.R. §§ 1.955(a)(3), 90.157(a)). Section 1.955(a)(3) provides generally that authorizations terminate automatically, without Commission action, if service is permanently discontinued under the applicable rule for the type of service in question. Section 90.157(a) of the Commission's Rules provides that a Part 90 authorization, such as the license for Station WPXB508, cancels upon permanent discontinuance of operations. For the purpose of this section, any station that has not operated for one year or more is considered to have permanently discontinued operations.

⁴ *Id.* at 1. Attached to the Request are newspaper articles and photographs documenting the current status of the site.

⁵ 47 U.S.C. § 308(b).

⁶ Letter dated Apr. 3, 2009, from Scot Stone, Deputy Chief, Wireless Telecommunications Bureau, to Jeffrey S. Forrester. The letter was sent to Ford's address of record on the license for Station WPIR939.

⁷ *Id.* at 2.

4. *Discussion.* Section 90.157 of the Commission's Rules provides that a license for a private land mobile radio station cancels automatically upon discontinuance of operation for a period of one year or more.⁸ The information provided in the Ameren Request is persuasive evidence supporting Ameren's claim that Station WPIR939 is not in operation and that its authorization cancelled automatically due to a permanent discontinuance of service.⁹ In addition, Ford's failure to respond to the Division Letter presumptively indicates that the station is not constructed or operational.¹⁰ Therefore, we will update the Commission's Universal Licensing System to reflect the cancellation of the license for Station WPIR939.

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 90.157 of the Commission's Rules, 47 C.F.R. § 90.157, the Request for Cancellation of License filed by Ameren Energy Company on March 25, 2009 IS GRANTED, and the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WPIR939.

6. 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

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁸ See 47 C.F.R. § 90.157(a).

⁹ See, e.g., National Ready Mixed Concrete Co., *Memorandum Opinion and Order*, 23 FCC Rcd 5250, 5253-54 ¶ 11 (2008) (explaining that "persuasive evidence that the licensee no longer exists" is sufficient to demonstrate permanent discontinuance of station operations under Section 90.157).

¹⁰ See, e.g., Milton H. Pintell, *Order on Reconsideration*, 20 FCC Rcd 19315, 19316 ¶ 5 (WTB PSCID 2005).