

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

In the Matter of)	
)	
NORTHROP GRUMMAN SYSTEMS)	File No. 0003163217
CORPORATION)	
)	
Application to Renew License for Flight Test)	
Station KHL6, Baltimore, Maryland)	

ORDER ON RECONSIDERATION

Adopted: June 19, 2009

Released: June 22, 2009

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

1. *Introduction.* In this *Order on Reconsideration*, we deny the Petition for Reconsideration filed by Northrop Grumman Systems Corporation (“Northrop Grumman”) on January 23, 2009.¹ Northrop Grumman seeks reconsideration of an action taken by the Wireless Telecommunications Bureau’s Mobility Division (“Division”), notice of which was released December 24, 2008.² In that action, the Division dismissed the above-captioned application. For the reasons discussed below, we deny the Northrop PFR.

2. *Background.* On September 5, 2007, Northrop Grumman timely filed an application to renew its license for Flight Test Station KHL6, Baltimore, Maryland. The application was returned on September 30, 2008, after the Federal Aviation Administration’s Military Assignment Group (MAG) rejected the continued use of certain frequencies, but suggested alternative frequencies.³ The return letter instructed Northrop Grumman to amend the application to replace the rejected frequencies with approved frequencies, and stated that the application would be dismissed unless it was amended within sixty days.⁴ The Division dismissed the application, without prejudice, effective December 20, 2008 because Northrop Grumman did not amend its application to include the updated frequencies.⁵

3. In its petition for reconsideration, Northrop Grumman states that a timely amendment to the application was prepared and thought to have been submitted.⁶ Northrop Grumman admits, however, that it never actually updated the frequencies.⁷ It nonetheless argues that the Division should reconsider its decision to dismiss the renewal application in light of Northrop Grumman’s “on-going need for access

¹ Petition for Reconsideration, filed January 23, 2009 by Northrop Grumman Systems Corporation (“Northrop PFR”).

² See FCC Public Notice, Wireless Telecommunications Bureau, Site-By-Site Action, Report No. 4615, dated December 24, 2008 at 1 (*Public Notice*).

³ See Notice of Return, Wireless Telecommunications Bureau, Reference Number 4785643, dated September 30, 2008 (“Return Notice”); Northrop PFR at 1-2.

⁴ See Return Notice at 1.

⁵ Notice of Dismissal, Wireless Telecommunications Bureau, Reference Number 4814998, dated December 23, 2008.

⁶ See Northrop PFR at 2. The application was amended on September 24, 2008, but the amendment updated only administrative information and not the frequencies.

⁷ *Id.*

to these frequencies to perform mission critical flight testing and the fact the Chair of MAG approved” Northrop Grumman’s use of the frequencies.⁸ In the alternative, Northrop Grumman requests that an application for special temporary authority (STA) to operate on the alternative frequencies be granted.⁹

4. On January 29, 2009, Northrop Grumman applied for an STA to authorize operation on the approved frequencies.¹⁰ The STA was granted under Call Sign WQGY236 on February 11, 2009.

5. *Discussion.* Section 1.934(c) of the Commission’s Rules provides that “[t]he Commission may dismiss applications for failure of the applicant to prosecute or for failure of the applicant to respond substantially within a specified time period to official correspondence or requests for additional information.”¹¹ We conclude that the Division acted correctly. That Northrop Grumman intended to amend the application to change the frequencies is not grounds for reconsideration of the dismissal of the application after Northrop Grumman failed to do so.¹² Consequently, we deny the Northrop PFR.

6. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act, 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 Northrop Grumman Systems Corporation on January 23, 2009 IS DENIED.

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

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁸ *Id.*

⁹ *Id.*

¹⁰ See FCC File No. 0003721467 (filed January 29, 2009).

¹¹ 47 C.F.R. § 1.934(c).

¹² See JSM Systems, Inc., *Order on Reconsideration*, 15 FCC Rcd 23744, 23744-45 ¶¶ 2-4 (WTB PSPWD 2000) (reconsideration denied where applicant provided information requested by return notice to frequency coordinator, but frequency coordinator resubmitted the application without the information); see also, e.g., John E. Mercer, *Letter*, DA 09-999 (WTB MD rel. May 4, 2009) (failure to timely amend not excused by technical difficulties); Ram Technologies, Inc., *Order on Reconsideration*, 16 FCC Rcd 10919, 10921-23 ¶¶ 6-10 (WTB PSPWD 2001) (failure to timely amend not excused by applicant’s transmission error).