



Federal Communications Commission  
Washington, D.C. 20554

September 2, 2009

DA 09-1997

L. Sue Scott-Thomas, President  
KNS Communications Consultants  
1460 South Wadsworth Blvd  
Denver, Colorado 80232-5441

RE: St. Anthony Hospitals Communications Center  
Request for reconsideration of dismissal of renewal applications for Stations WNEP734,  
WNEF528, and WNEF526.

Dear Ms. Scott-Thomas:

This letter responds to your August 22, 2008 request for reconsideration<sup>1</sup> of the dismissal<sup>2</sup> of applications<sup>3</sup> filed by St. Anthony Hospitals Communications Center's (St. Anthony) for renewal of the licenses for Microwave Industrial/Business Pool Stations WNEP734, WNEF528, and WNEF526 (the Stations). For the reasons stated below, we grant the Petition and reinstate the Applications to pending status.

On May 27, 2008, St. Anthony's timely filed applications to renew the licenses for the Stations.<sup>4</sup> In the Applications, St. Anthony claimed to be exempt from regulatory fees.<sup>5</sup> On May 28, 2008, the applications were returned as incomplete, and St. Anthony was instructed to amend the application to attach a justification concerning its claimed exemption from regulatory fees.<sup>6</sup> You state that you received the Return Letters during the first or second week of June.<sup>7</sup> In July, you were unable to access the Universal Licensing System (ULS) site.<sup>8</sup> In early August, that problem was determined to be caused by having the wrong version of Java on your computer.<sup>9</sup> Afterwards, you failed in your attempt to amend the renewal applications by uploading the Internal Revenue Service (IRS) 501(c)(3) letter concerning St. Anthony's exempt status to the files for the Applications.<sup>10</sup> On August 13, 2008, you sent an email to the

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<sup>1</sup> Petition for Reconsideration (filed Aug. 22, 2008) (Petition). On August 26, 2008, St. Anthony filed a timely supplement to the Petition. Supplemental Information – Pleading 6416 (filed Aug. 26, 2008) (Supplement).

<sup>2</sup> See Notices of Dismissal, Ref Nos. 4774591, 4774592, 4774593 (Aug. 19, 2008) (Dismissal Letters).

<sup>3</sup> File Nos. 0003451462, 0003451463, 0003451464 (filed May 27, 2008) (Applications)

<sup>4</sup> Applications.

<sup>5</sup> *Id.*, Responses to Question 10.

<sup>6</sup> Notices of Return, Ref Nos. 4749306, 4749307, 4774593 (May 28, 2008) (Return Letters).

<sup>7</sup> Supplement at 1.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

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

Commission's Gettysburg office seeking assistance on uploading the Section 501(c)(3) letter to the ULS files for the stations.<sup>11</sup> On August 19, 2008, you again emailed the Commission's Gettysburg staff seeking assistance.<sup>12</sup> Eventually, you determined that your computer's security settings were preventing you from uploading attachments.<sup>13</sup> On August 19, 2008, the Applications were dismissed because they were not amended within 60 days of the Return Letters.<sup>14</sup>

We conclude that the public interest would be served by granting the Petition and reinstating the Applications. While St. Anthony could have acted with greater diligence, overall, we find that St. Anthony made good faith efforts to timely amend its Applications, including seeking assistance from Commission staff. We also note that St. Anthony uses the Stations for communications related to its Air Ambulance service, Flight for Life.<sup>15</sup> Flight for Life provides critical medical intervention not only in the Denver area but also in areas from New Mexico to Wyoming and into eastern Kansas.<sup>16</sup> Thus, we grant your Petition and reinstate the Applications to pending status.

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 Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the Petition for Reconsideration filed on August 22, 2008 by St. Anthony Hospitals Communications Center IS GRANTED, and the applications for renewal of license of Microwave Industrial/Business Pool Stations WNEP734, WNEF528, and WNEF526 (File Nos. 0003451464, 0003451463, and 0003451462) ARE REINSTATED to pending status.

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<sup>11</sup> Petition at Attachment.

<sup>12</sup> *Id.*

<sup>13</sup> Supplement at 1.

<sup>14</sup> Dismissal Letters.

<sup>15</sup> Petition at 1.

<sup>16</sup> *Id.*

IT IS FURTHER ORDERED pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 405, and Section 1.949 of the Commission's Rules, 47 C.F.R. § 1.949, that the licensing staff of the Broadband Division SHALL PROCESS the applications for renewal of license of Microwave Industrial/Business Pool Stations WNEP734, WNEF528, and WNEF526 (File Nos. 0003451464, 0003451463, and 0003451462) in accordance with this letter, applicable statutory authority, and Commission rules.

These actions are 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

John J. Schauble  
Deputy Chief, Broadband Division  
Wireless Telecommunications Bureau

cc:     Garet Hickman, Communications Director  
          St. Anthony Hospitals Communications Center  
          4231 West 16<sup>th</sup> Avenue  
          Denver, Colorado 80204-1374