



Federal Communications Commission  
Washington, D.C. 20554

September 2, 2009

DA 09-1998

Harold Mordkofsky, Esq.  
Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP  
Suite 300  
2120 L Street, NW  
Washington, DC 20037

RE: Telecom Systems, Ltd.  
Request for reconsideration of cancellation of license for Station WHE478 and dismissal of  
modification application for Station WHE478.

Dear Mr. Mordkofsky:

This letter responds to your August 18, 2008 request for reconsideration<sup>1</sup> of the August 14, 2008 cancellation of Telecom Systems, Ltd's (Telecom) license to operate Common Carrier Fixed Point to Point Microwave Station WHE478 and the dismissal<sup>2</sup> of an application to modify Station WHE478.<sup>3</sup> For the reasons stated below, we grant the Petition, restore the license for Station WHE478 to active status, and reinstate the Modification Application.

As a result of the Advanced Wireless Service (AWS) proceeding, Telecom agreed to relocate its operations from the 2 GHz band to the 6 GHz band to enable T-Mobile, the auction winner, to use the 2 GHz band for AWS in the Miami area.<sup>4</sup> Telecom had agreed with T-Mobile to cease operations in the 2 GHz band by July 31, 2008 and then to provide copies of the corresponding Commission filings to T-Mobile.<sup>5</sup> On July 22, 2008, Telecom filed an application to modify its license for Station WHE478 by relocating its facility from the 2 GHz band to the 6 GHz band.<sup>6</sup> Then, on August 13, 2008, before the Modification Application was processed, in accordance with its agreement with T-Mobile, Telecom attempted to delete the 2 GHz frequency from its license for Station WHE478.<sup>7</sup> The Commission's Universal Licensing System (ULS), however, would not permit Telecom to delete the path from Miami to Homestead because it was the only path on the license.<sup>8</sup> In attempting to satisfy its agreement with T-Mobile, Telecom then cancelled the license for Station WHE478, believing that the Commission would act on the Modification Application and assign Telecom a new call sign.<sup>9</sup> Instead, ULS dismissed the

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<sup>1</sup> Petition for Reconsideration (filed Aug. 18, 2008) (Petition).

<sup>2</sup> Notice of Dismissal, Ref. No. 4773421 (Aug. 14, 2008) (Dismissal Letter).

<sup>3</sup> File No. 0003512240 (dismissed Aug. 14, 2008) (Modification Application).

<sup>4</sup> Petition at 2.

<sup>5</sup> *Id.*

<sup>6</sup> Modification Application.

<sup>7</sup> Petition at 2.

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

<sup>9</sup> *Id.* See File No. 0003544920 (granted Aug. 14, 2008).

Modification Application because Telecom cancelled the underlying license to operate Station WHE478.<sup>10</sup>

We find that Telecom has shown that it did not intend to terminate its authorization to operate on the path in question. Thus, we grant Telecom's Petition, reinstate the license for Station WHE478, and reinstate the Modification Application to pending status. Once the Modification Application is reinstated, Telecom may amend the Modification Application to request deletion of the 2 GHz path. If Telecom acts in this manner, upon grant of the Modification Application, the license for Station WHE478 will only authorize operation in the 6 GHz band.

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, that the Petition for Reconsideration filed on August 18, 2008 by Telecom Systems, Ltd. IS GRANTED, the license for Station WHE478 is REINSTATED, and the application to modify the license for Station WHE478 (File No. 0003512240) IS REINSTATED to pending status.

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 1.947 of the Commission's Rules, 47 C.F.R. § 1.947, that the licensing staff of the Broadband Division SHALL PROCESS the modification application filed by Telecom Systems, Ltd on July 22, 2008 (File No. 0003512240) in accordance with this letter, applicable statutory authority, and the Commission's 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

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<sup>10</sup> Dismissal Letter.