

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

In the Matter of)
)
HEATHER BINDNER)
Station WPEN414, Sandpoint, Idaho)

ORDER

Adopted: December 7, 2009

Released: December 8, 2009

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

1. *Introduction.* For the reasons set forth below, we modify the Commission's licensing records to reflect the cancellation of the license of Heather Bindner for 800 MHz Industrial/Land Transportation Station WPEN414, Sandpoint, Idaho.

2. *Background.* On March 17, 2004, the Commission renewed Binder's license to operate Station WPEN414.¹ On June 10, 2009, the 800 MHz Transition Administrator informed the Commission that Bindner had permanently discontinued operation of the station. On August 25, 2009, the Public Safety and Homeland Security Bureau (PSHSB), acting pursuant to Section 308(b) of the Communications Act of 1934, as amended,² requested that Bindner provide specified information concerning the operational status of Station WPEN414 within thirty days.³ PSHSB stated that if Bindner failed to respond within thirty days, the Commission could conclude that the authorization for Station WPEN414 had terminated due to permanent discontinuance of operation.⁴ No response has been received to date.

3. *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.⁵ The information provided by the 800 MHz Transition Administrator indicates that Station WPEN414 is not in operation and that its authorization cancelled automatically due to a permanent discontinuance of service, and Bindner's failure to respond to PSHSB presumptively indicates that the station is not constructed or operational.⁶ Therefore, we will update the Commission's Universal Licensing System to reflect the cancellation of the license for Station WPEN414.

4. 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 Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WPEN414.

¹ FCC File No. 0001656924 (filed Mar. 16, 2004).

² 47 U.S.C. § 308(b).

³ Letter dated June 10, 2009, from Michael J. Wilhelm, Public Safety and Homeland Security Bureau, to Heather Bindner.

⁴ *Id.* at 2.

⁵ See 47 C.F.R. § 90.157(a).

⁶ See, e.g., Milton H. Pintell, *Order on Reconsideration*, 20 FCC Rcd 19315, 19316 ¶ 5 (WTB PSCID 2005).

5. 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