

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

In the Matter of )
JOHN ANDERSON dba RIVERSIDE LIMO INC. )
Station WPMB575, Irvington, New York )
Request for Initiation of License Revocation )
Proceeding )

ORDER

Adopted: March 17, 2009

Released: March 20, 2009

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

1. Introduction. We have before us a request for initiation of license revocation proceeding (Request) filed on behalf of Atlantic Telecommunications (Atlantic) on February 27, 2008. Atlantic seeks the termination of the license of John Anderson dba Riverside Limo Inc. (Anderson) for Industrial/Business Pool Station WPMB575, Irvington, New York. For the reasons set forth below, we grant the Request and will modify the Commission's licensing records to reflect the termination of the license.

2. Background. The Commission renewed Anderson's license for Station WPMB575 on April 8, 2003. On February 27, 2008, Atlantic requested that the license be revoked on the grounds that the station had not operated for more than one year and thus, pursuant to Section 90.157 of the Commission's Rules, should be deemed to have canceled automatically for permanent discontinuance of operation. Atlantic states that it actively monitored frequency pair 472/475.3375 MHz from December 3, 2006 to February 23, 2008, and did not detect any transmissions from Station WPMB575. It further claims that, on two separate occasions, Mr. Anderson represented to Atlantic that Station WPMB575 was not in operation.

3. On April 15, 2008, the Wireless Telecommunications Bureau's Mobility Division (Division), acting pursuant to Section 308(b) of the Communications Act of 1934, as amended, requested that Anderson provide information regarding the operational status of Station WPMB575. The letter stated

1 See Request for Initiation of License Revocation Proceeding (filed Feb. 27, 2008) (Request).

2 See FCC File No. 0000598506.

3 47 C.F.R. § 90.157.

4 See Request at 1. Atlantic also argues that the license for Station WPMB575 cancelled automatically also because the station was never constructed. See id. at 3.

5 See id., Declaration of John Mazza at 1.

6 Id.

7 47 U.S.C. § 308(b).

8 Letter dated Apr. 15, 2008 from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to John Anderson d/b/a Riverside Limo, Inc.

that if Anderson failed to respond within thirty days, the Division could conclude that the authorization had terminated due to permanent discontinuance of operation.<sup>9</sup> The letter was returned as undeliverable. On April 29, 2008, Division staff left a voice mail message at the phone number listed for Anderson in the Commission's licensing records, but has received no response to date.

4. *Discussion.* Pursuant to Section 1.5 of the Commission's Rules, "each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee."<sup>10</sup> It further states that "the address contained in the licensee's most recent application will be used by the Commission for this purpose."<sup>11</sup> 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.<sup>12</sup>

5. Atlantic's continuous monitoring is persuasive evidence supporting Atlantic's claim that Station WPMB575 is not in operation and its authorization canceled automatically.<sup>13</sup> Moreover, Anderson's failure to respond to the Division's 308(b) letter or telephone inquiry presumptively indicates that the station is not constructed or operational.<sup>14</sup> Therefore, we will update the Commission's Universal Licensing System to reflect the cancellation of the license for Station WPMB575.

6. 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 47 C.F.R. § 90.157 of the Commission's Rules, 47 C.F.R. § 90.157, the petition filed Atlantic Telecommunications on February 27, 2008 IS GRANTED, and the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WPMB575.

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

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<sup>9</sup> *See id.* at 1.

<sup>10</sup> 47 C.F.R. § 1.5(a).

<sup>11</sup> *Id.*

<sup>12</sup> 47 C.F.R. § 90.157.

<sup>13</sup> *See, e.g.,* Elmont Trans Med Corporation, *Order*, 18 FCC Rcd 18692, 18694-95 ¶ 9 (WTB PSPWD 2003).

<sup>14</sup> *Cf. West Coast Cab Company, Memorandum Opinion and Order*, 15 FCC Rcd 5909, 5913-14 ¶¶ 9-10 (2000) (affirming cancellation of license for permanent discontinuance of operations where finder's preference request was sent to licensee's address of record but was not received by the proposed assignee).