



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

April 6, 2009

DA 09-775

Mr. Joshua E. Pearse
ID #S-06210
Big Muddy River Correctional Center
251 N. Illinois Highway 37
P.O. Box 900
Ina, IL 62846-0900

Re: FCC File No. 0003255347

Dear Mr. Pearse:

This letter addresses your correspondence dated May 28, 2008, which we are treating as a petition for reconsideration of the December 12, 2007 dismissal of your letter dated November 22, 2007 requesting a Business Radio Service license. For the reasons set forth below, we dismiss the petition for reconsideration.

Section 405 of the Communications Act, as amended, sets forth the requirements that a petitioner must satisfy before we may consider the petitioner's pleadings on reconsideration.¹ Section 405, as implemented by Section 1.106(f) of the Commission's Rules, requires a petition for reconsideration to be filed within thirty days from the date of public notice the Commission's action.² In addition, Section 1.106(i) of the Commission's Rules provides that a petition for reconsideration must be filed with the Office of the Secretary.³ Accordingly, we dismiss your petition as untimely and misfiled.

Your request for a Business Radio Service license was dismissed because you did not follow proper filing procedures. To complete your request, you will need to contact a frequency coordinator in order to properly file a license application. Frequency coordinators are private organizations that have been certified by the Commission to recommend the most appropriate frequencies for applicants in designated Part 90 radio services. Applications for new frequency assignments, changes to existing facilities or operation at temporary locations generally must include a showing of frequency coordination.⁴ Any applications that require frequency coordination must be electronically submitted by the appropriate coordinator.⁵ A list of available frequency coordinators is enclosed.

¹ See 47 U.S.C. § 405.

² See *id.*; 47 C.F.R. § 1.106(f).

³ 47 C.F.R. § 1.106(i).

⁴ See 47 C.F.R. § 90.175.

⁵ *Id.*

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(f) of the Commission's Rules, 47 C.F.R. § 1.106(f), the petition for reconsideration filed by Joshua E. Pearse in connection with application FCC File No. 0003255347 IS DISMISSED.

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

Enc

Below 800 MHz Coordinators**AAA Frequency Coordination**

c/o RadioSoft
 8900 Dicks Hill Parkway
 Toccoa, GA 30577
 P: 888-601-FORM
 P: 706-754-1AAA
 F: 706-754-2745
 E: AAA@RadioSoft.com

Petroleum Frequency Coordinating Committee (PFCC)

c/o Enterprise Wireless Alliance
 Attn: Frequency Coordination Department
 Westpark Drive, Suite 630
 McLean, VA 22102
 P: 703-528-5115
 F: 703-524-1074
 E: ila.dudley@enterprisewireless.org

Utilities Telecom Council Spectrum Services (UTC)

1901 Pennsylvania Ave., N.W., Suite 500
 Washington, DC 20006
 P: 202-872-0030
 F: 202-872-1331
 E: spectrumservices@utc.org

Association of American Railroads (AAR)

Frequency Coordination
 Attn: James Reimer
 P.O. Box 11130
 55500 DOT Road, P. O. Box 11130
 Pueblo, CO 81001
 P: 719-584-0578
 F: 719-584-7145
 E: james_reimer@aar.com

Central Station Alarm Association (CSAA)

Attn: Robert Bitton, President
 1565 Union Avenue, P.O. Box 775
 Union, New Jersey 07083-0775
 P: 908-810-8822
 F: 908-810-8844
 E: bittonr@supreme-inc.com

Enterprise Wireless Alliance (EWA)*

Attn: Frequency Coordination Department
 8484 Westpark Drive
 McLean, VA 22102
 P: 703-528-5115
 F: 703-524-1074
 E: ila.dudley@enterprisewireless.org

*Also coordinates on behalf of the International Taxicab and Livery Association (ITLA), Telephone Maintenance Frequency Advisory Committee (TELFAC), Newspaper Association of America (NAA), and Alliance of Motion Picture and Television Producers

Forest Industries Telecommunications (FIT)

1565 Oak Street

Eugene, Oregon 97401

P: Main Office: 541-485-8441

P: Chicago: 888-583-2-WAY

P: Dallas: 888-342-2-WAY

P: Los Angeles 888-355-2-WAY

P: WASH. D.C. 888-395-2-WAY

F: 541-485-7556

E: license@landmobile.com**Hydrological Federal Frequency***

NOAA National Weather Service

Attn: Larry Wenzel

Office of Hydrology, W/OH22

1325 East-West Highway, Room 13415

Silver Spring, Maryland 20910

P: 301-713-0006

* Note that frequencies in the 169-172 MHz and 406-413 MHz bands available under Section 90.265(a) of the Commission's rules must be coordinated through the National Oceanic and Atmospheric Administration (NOAA).

Manufacturers Radio Frequency Advisory Committee, Inc.(MRFAC)

899-A Harrison St., S.E.

Leesburg, VA 20175

P: 703-669-0320

F: 703-669-0322

E: info@mrfac.comE: MRFACFreq@aol.com**Personal Communications Industry Association (PCIA)**

Attn: Don Andrew, Frequency Coordination Department

500 Montgomery Street, Suite 700

Alexandria, Virginia 22314-1561

P: 703-535-7502

F: 703-836-1608

E: andrewd@pcia.com**800/900 MHz Coordinators****Enterprise Wireless Alliance (EWA)**

Attn: Frequency Coordination Department

8484 Westpark Drive, Suite 630

McLean, VA 22102

P: 703-528-5115

F: 703-524-1074

E: ila.dudley@enterprisewireless.org**Forest Industries Telecommunications (FIT)**

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P: WASH. D.C. 888-395-2-WAY

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Alexandria, VA 22314-1561
P: 703-535-7502
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E: andrewd@pcia.com

Utilities Telecom Council Spectrum Services (UTC)

Attn: Frequency Coordination Department
1901 Pennsylvania Avenue, NW, Suite 500
Washington, DC 20036
P: 202-872-0030
F: 202-872-1331
E: spectrumservices@utc.org