



Federal Communications Commission
Wireless Telecommunications Bureau
Washington, D.C. 20554

April 8, 2009

Marjorie K. Conner, Esq.
700 West View Terrace
Alexandria, VA 22301

DA 09-782

Re: Grant of Petition for Reconsideration

This letter responds to the petition for reconsideration (PFR)¹ filed on behalf of Liberty Communications, Inc. (Liberty) on March 5, 2009, seeking reconsideration of the dismissal of 12 extensions of time to construct.² For the reasons stated below, we grant a modified version of the PFR.

On November 16, 2007, Liberty filed requests for extension of time to construct for 12 800 MHz licenses.³ On May 27, 2008, the Mobility Division (Division) returned the extensions of time to construct and requested that Liberty respond to the request within 10 business days from May 27, 2008.⁴ On June 2, 2008, Liberty responded to the Division's Return Letter and requested that it have until August 31, 2008 to supplement its extension requests.⁵ On February 6, 2009, the Division dismissed the extension requests for failure to prosecute because Liberty did not respond timely.⁶

In its PFR, Liberty states that it has been negotiating with Sprint Nextel regarding interference to Liberty's 800 MHz rebanded frequencies.⁷ Liberty also states that it went through mediation with the 800 MHz Transition Administrator mediator and no agreement with Sprint Nextel was reached.⁸ Furthermore, Liberty states that its dispute with Sprint Nextel is now before the Commission on Statements of Position.⁹ Liberty requests reconsideration of the Division's February 6, 2009 dismissal of the 12 extensions of time to construct and requests that the Division extend its construction deadlines for an additional six months while it works with Sprint Nextel to resolve the interference.

Because Liberty is actively working with the Commission to resolve its dispute with Sprint Nextel, we grant Liberty's PFR by reinstating its extensions of time to construct. However, we disagree with Liberty that its construction deadlines should be extended for six months. Instead, we will hold the extensions of time to construct in a pending status until the dispute with Sprint Nextel is resolved. At that point, we will act on the extensions of time accordingly. Furthermore, we remind Liberty of its obligations under section 1.934(c) to respond to Commission requests within a specified time period.¹⁰

¹ Petition for Reconsideration, filed March 5, 2009 (associated with each File No. listed in footnote 3) (PFR).

² Notice of Dismissal, dated February 6, 2009. Reference Nos. 4831915, 4831920 – 4831930 (associated with each File No. listed in footnote 3) (Notice Of Dismissal).

³ File Nos. 0003233563 – 0003233572, 0003233582 and 0003233592.

⁴ Return Letter, dated May 27, 2008 (associated with each File No. listed in footnote 3).

⁵ Response to Return Letter, dated June 2, 2008 (associated with each File No. listed in footnote 3).

⁶ Notice of Dismissal

⁷ PFR at 1.

⁸ *Id.* at 2.

⁹ *Id.*

¹⁰ 47 C.F.R. § 1.934(c).

Accordingly, pursuant to Sections 4(i) and 405 of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 405, and Sections 0.331 and 1.106 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.106, we grant the petition for reconsideration filed by Liberty Communications, Inc. on March 5, 2009. By grant of this PFR, the 12 extensions of time to construct listed in footnote 3 will be returned to a pending status.

Sincerely,

Terry L. Fishel
Associate Division Chief, Mobility Division
Wireless Telecommunications Bureau