



Federal Communications Commission
Washington, D.C. 20554

May 4, 2009

DA 09-999

John E. Mercer
18906 107th Street CT KPN
Gig Harbor, WA 98329

RE: FCC File No. 0003330983

Dear Mr. Mercer:

This letter is in response to your June 11, 2008 request for reconsideration of the May 13, 2008 dismissal¹ of the above-referenced application. For the reasons set forth below, we deny your request.

On February 19, 2008, you filed the above-referenced application for a new aeronautical advisory (unicom) station.² Pursuant to Section 87.215(c) of the Commission's Rules, eligibility for a new unicom license at an airport where only one unicom may be licensed is restricted to State and local government entities and to non-government organizations acting with the written support of a State or local government entity the primary mission of which is to provide public safety services.³ On February 22, 2008, the application was returned to you with instructions to either demonstrate your eligibility for a new unicom station or amend the application to instead request a license for an aeronautical multicom station.⁴ The notice of return stated that the application would be dismissed if it were not amended within sixty days. Because no response to the return notice was received, the application was dismissed on May 13, 2006.⁵

In your request for reconsideration, you state that you contacted the Washington State Aeronautics Commission, which declined to provide written support for your unicom application because your airport is not open to the public. You also state that you attempted to amend your application electronically, but experienced technical difficulties with the Universal Licensing System.

Under Section 1.934(c) of the Commission's Rules, an application may be dismissed "for failure of the applicant to respond substantially within a specified time period to official correspondence or

¹ See Notice of Dismissal, Ref. No. 4744880 (May 13, 2008) (Dismissal).

² Unicom stations are licensed under Part 87 of the Commission's Rules to provide safety-related and other information to aircraft, primarily general aviation aircraft. Unicom transmissions are limited to the necessities of safe and expeditious operation of aircraft, including runway conditions, types of fuel available, wind conditions, weather information, dispatching, and other necessary safety information. See 47 C.F.R. § 87.213(b)(1).

³ See 47 C.F.R. § 87.215(c). Only one unicom may be licensed at an airport which does not have a control tower, control tower remote communications outlet station, or Federal Aviation Administration flight service station. See 47 C.F.R. § 87.215(b).

⁴ See Notice of Return, Ref. No. 4713397 (Feb. 22, 2008). Multicom stations are licensed under Part 87 of the Commission's Rules to provide communications of a temporary, seasonal, or emergency nature involving aircraft in flight. Where there is no unicom and the applicant is unable to meet the requirements for a unicom license, the applicant is eligible for a multicom license. See 47 C.F.R. § 87.237(a), (b).

⁵ See Notice of Dismissal, Ref. No. 4744880 (May 13, 2008).

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requests for additional information."⁶ If you experienced difficulty amending the application, you could have referred to the website and toll-free telephone number listed in the notice of return for assistance. Accordingly, we conclude that the dismissal of your application was proper, and we deny your request for reconsideration.⁷

This action is without prejudice to the filing of a new application. If you wish to apply for a multicom station and you have any questions or need further information, you may contact the Mobility Division licensing staff at (202) 418-0620.

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 Sections 1.102(b)(2) and 1.106(a)(1) of the Commission's Rules, 47 C.F.R. §§ 1.102(b)(2), 1.106(a)(1), the petition for reconsideration filed by John E. Mercer on June 11, 2008 IS DENIED.

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

⁶ 47 C.F.R. § 1.934(c).

⁷ See *Niagara Mohawk Power Corp., Order on Reconsideration*, 17 FCC Rcd 19588, 29591 ¶ 7 (WTB PSPWD 2002).