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

Industrial/Business Pool Station KBG477)	
KOCH SKANSKA INC.)	
In the Matter of)	

Adopted: August 19, 2010 Released: August 20, 2010

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

- 1. We have before us a request filed by Atlantic Telecommunications (Atlantic), requesting termination of the license of Koch Skanska Inc. (Koch Skanska) for Industrial/Business Pool Station KBG477, New York, New York. For the reasons set forth below, we grant the request in part.
- 2. Background. The license for Station KBG477 authorizes operation of a base station at 233 Broadway transmitting on frequency 472.3375 MHz, and four mobile units transmitting on frequencies 472.3375 MHz and 475.3375 MHz within forty-eight kilometers of 233 Broadway. Atlantic argues that Koch Skanska's license terminated automatically due to a permanent discontinuance of station operations. It states that it detected no transmissions from Station KBG477 despite monitoring the channel for over a year.² Atlantic also states that it was informed by the site owner that there are no facilities operating on that channel at that location, and that Koch Skanska canceled its service on a community repeater at that site.³
- 3. The Wireless Telecommunications Bureau's Mobility Division, acting pursuant to Section 308(b) of the Communications Act of 1934, as amended, directed Koch Skanska to provide information concerning the operational status of Station KBG477. Koch Skanska replied that the base station was no longer in use, but the licensed frequencies were being used for mobile-to-mobile communications.
- 4. *Discussion.* Section 90.157(a) of the Commission's Rules provides that a private land mobile radio station authorization cancels automatically upon discontinuance of operation for a period of one year or more.⁷ The information in the record demonstrates that Koch Skanska permanently discontinued operation of its licensed base station at 233 Broadway. Therefore, we conclude that the authorization for location 1 of Station KBG477 canceled automatically.⁸ We therefore will remove that

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³ *Id.* at 2-3.

¹ See Request for Initiation of License Revocation Proceeding (filed Dec. 30, 2009).

² *Id.* at 2.

⁴ 47 U.S.C. § 308(b).

⁵ Letter dated Feb. 1, 2010, from Scot Stone, Deputy Chief, Wireless Telecommunications Bureau, to Koch Skanska. Inc.

⁶ Electronic mail message dated Feb. 26, 2010, from Patrick Mitchell to Scot Stone.

⁷ See 47 C.F.R. § 90.157(a); see also 47 C.F.R. § 1.955(a)(3).

⁸ The authorization for location 2 continues to be valid. *See* Quatron Communications, Inc., *Memorandum Opinion and Order*, 15 FCC Rcd 4749, 4756 ¶ 19 (2000) (permanent discontinuance of operation of one location does not terminate entire license).

location from the license.

- 5. 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 Request for Initiation of License Revocation Proceeding filed by Atlantic Telecommunications on December 30, 2009 IS GRANTED IN PART, and the Commission's licensing database WILL BE MODIFIED to delete location 1 from the license of Koch Skanska Inc. for Station KBG477.
- 6. 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