

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

In the Matter of	)	
	)	
MOBILE RELAY ASSOCIATES	)	File No. 0003755550
	)	
Petition for Reconsideration filed by National Science and Technology Network, Inc.	)	

**ORDER ON RECONSIDERATION**

**Adopted: September 10, 2010**

**Released: September 13, 2010**

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

1. We have before us a petition, filed by National Science and Technology Network, Inc. (NSTN), for reconsideration of the grant of the above-captioned application filed by Mobile Relay Associates (MRA).<sup>1</sup> For the reasons set forth below, we deny the petition for reconsideration.

2. MRA was granted a license for Industrial/Business Pool Station WQGU853, Adelanto, California, in 2007,<sup>2</sup> and it filed a construction notification indicating that the facilities authorized under that call sign were constructed in 2007.<sup>3</sup> The licenses for MRA's Industrial/Business Pool Stations WQIM482 and WQIN669, at the same location in Adelanto, were granted in 2008,<sup>4</sup> and construction notifications were filed indicating that the facilities authorized under those call signs were constructed in 2008.<sup>5</sup> The above-captioned application to modify the license for Station WQIM482 by adding the frequencies that MRA already was authorized to use at that location pursuant to Call Signs WQGU853 and WQIN669 (and canceling those licenses), and changing the station class codes and emission designators for the frequencies, was granted in 2009.

3. NSTN seeks reconsideration of the grant of the above-captioned application. It suggests that the facilities authorized under Call Signs WQGU853 and WQIM482 were not timely constructed, so the authorizations should be deemed to have terminated automatically.<sup>6</sup> NSTN provides no evidence that the stations were not timely constructed. We therefore deny its petition for reconsideration. As we stated in another proceeding with respect to Station WQIN669, "If NSTN believes that it has sufficient evidence of non-construction or permanent discontinuance of operation, it may file a separate request for license

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<sup>1</sup> Petition for Reconsideration of the Grant of License Filed by National Science and Technology Network, Inc. (NSTN) (filed Mar. 25, 2009) (Petition). MRA filed an opposition. Opposition to Petition for Reconsideration (filed Mar. 27, 2009).

<sup>2</sup> See FCC File No. 0002884148.

<sup>3</sup> See FCC File No. 0003077235.

<sup>4</sup> See FCC File Nos. 0003027621, 0003367785.

<sup>5</sup> See FCC File Nos. 0003366637, 0003661910.

<sup>6</sup> See Petition at 2-3. NSTN also appears to suggest that the above-captioned application did not comply with Section 90.313(c) of the Commission's Rules, 47 C.F.R. § 90.313(c), which provides that a licensee may not add a 470-512 MHz frequency pair unless its already-assigned frequency pairs are at full capacity. See Petition at 2. We conclude that Section 90.313(c) is irrelevant to the present matter, because the above-captioned application did not add any frequencies that were not already assigned to MRA at that location.

cancellation.”<sup>7</sup>

4. 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 of the Commission’s Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by National Science and Technology Network, Inc. on March 25, 2009 IS DENIED.

5. 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>7</sup> Mobile Relay Associates, *Order on Reconsideration and Order Proposing Modification*, 24 FCC Rcd 3234, 3286 ¶ 8 (WTB MD 2009) (footnote omitted ) (citing National Ready Mix Concrete Co., *Memorandum Opinion and Order*, 23 FCC Rcd 5250, 5253-54 ¶ 11 (2008)).