



Federal Communications Commission  
Washington, D.C. 20554

December 7, 2011

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

City of McPherson  
140 Treatment Plant Road  
McPherson, KS 67460  
ATTN Mike D. Wagner

DA 11-1989

Re: City of McPherson Request for Extension of  
Construction Deadline Station WQKV242; File No.  
0004921053

Dear Mr. Wagner:

On October 20, 2011, the City of McPherson (McPherson) filed a request for an extension of the construction deadlines for its Industrial/Business Pool, Conventional (IG) Station WQKV242, located in McPherson, McPherson County, Kansas.<sup>1</sup> Because McPherson failed to construct the station in a timely manner, however, the license automatically terminated on September 23, 2011. We therefore dismiss the request for extension.

The Mobility Division (MD) granted McPherson a license for Station WQKV242 on September 23, 2009.<sup>2</sup> Section 90.155 of the Commission's rules requires that all stations authorized under Part 90, including Station WQKV242, be placed into operation within twelve (12) months from the date of grant or the authorization cancels automatically.<sup>3</sup> In addition, Section 1.946(d) of the Commission's rules requires a licensee who commences service within its construction period to notify the Commission by filing an FCC Form 601 within 15 days of the expiration of the applicable construction deadline.<sup>4</sup> Finally, a licensee may request an extension of a construction deadline, but the request must be filed before the expiration of the construction period.<sup>5</sup>

We note that the original construction date for station WQKV242 was September 23, 2010, but McPherson previously requested an extension of time to construct station WQKV242, that was granted on October 14, 2010, extending the construction deadline until September 23, 2011. On October 20, 2011, McPherson submitted its Second Request explaining that the extension was needed because of delays it experienced with the completion of their radio telemetry alarm system and requests an extension until December 31, 2012.<sup>6</sup>

If a licensee fails to place its station into operation by the expiration of its construction period, its authorization terminates automatically on the date the construction period expires.<sup>7</sup> Here, McPherson did not construct in a timely manner and did not timely file its request to extend the construction period as

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<sup>1</sup> FCC File No. 0004921053 (filed Oct. 20, 2011) (Second Request).

<sup>2</sup> FCC File No. 0003971181 (filed Sept. 22, 2009).

<sup>3</sup> 47 C.F.R. § 90.155; *see also id.* § 1.946(c).

<sup>4</sup> 47 C.F.R. § 1.946(d).

<sup>5</sup> 47 C.F.R. § 1.946(e).

<sup>6</sup> FCC File No. 0004921053.

<sup>7</sup> 47 C.F.R. § 1.946(c).

allowed under Commission rules. We therefore dismiss as moot McPherson's request for extension of the construction requirement under Part 90 of our rules.

If McPherson has constructed the facility and wishes to continue operation, we will grant upon request Special Temporary Authority pursuant to Section 1.931 of the Commission's Rules.<sup>8</sup> This action is taken without prejudice, so McPherson may file for a new authorization for the necessary frequencies authorized under WQKV242 if they have not been assigned to other licensees. Any questions or requests for further information on this matter can be addressed by the Mobility Division licensing staff at (202) 418-0620.

Pursuant to Sections 4(i) and 303(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(i), and Sections 0.331, 1.946 and 90.155 and of the Commission's Rules, 47 C.F.R. §§ 0.331, 1.946, 90.155, we dismiss the Requests for Extension of Construction Deadline, FCC File No. 0004921053, filed by the City of McPherson on October 20, 2011, to the extent set forth in this letter. We also notify the City of McPherson that the authorization under call sign WQKV242 terminated as of September 23, 2011 and any operations under the call sign must cease unless Special Temporary Authority is obtained pursuant to Section 1.931.

FEDERAL COMMUNICATIONS COMMISSION

Thomas Derenge  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>8</sup> See 47 C.F.R. § 1.931.