

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

In re Matter of)	
)	
WINDSTREAM LAKEDALE LINK, INC.)	File Nos. 0005242286-005242289
)	
Request for Extension of Time for Substantial)	
Service Requirements for Four Local Multipoint)	
Distribution Service Stations)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: December 4, 2012

Released: December 5, 2012

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

I. INTRODUCTION

1. In this *Memorandum Opinion and Order*, we deny a request for extension of time filed by Windstream Lakedale Link, Inc. (“Windstream”) to demonstrate compliance with the substantial service requirements for Local Multipoint Distribution Service (“LMDS”) licenses for Stations WPOH445, WPOH446, WPOH447 and WPOH448, as well as its associated request for waiver of the June 1, 2012 substantial service deadline. Because we deny Windstream’s request, the licenses for Stations WPOH445, WPOH446, WPOH447 and WPOH448 (“the Stations”) automatically terminated, by operation of Commission rule, as of June 1, 2012.

II. BACKGROUND

2. In 1997, the Commission allocated 1,300 megahertz of LMDS spectrum in each basic trading area (“BTA”) across the United States.¹ Specifically, the Commission allocated two LMDS licenses per BTA – an “A Block” and a “B Block” in each.² The A Block license is comprised of 1,150

¹ See Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission’s Rules to Redesignate the 27.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies For Local Multipoint Distribution Service and For Fixed Satellite Services, CC Docket No. 92-297, *Second Report and Order, Order on Reconsideration and Fifth Notice of Proposed Rulemaking*, 12 FCC Rcd 12545, 12605 ¶ 136 (1997) (“*Second LMDS Report and Order*”); see also Rand McNally Commercial Atlas & Marketing Guide 36-39 (123rd ed. 1992). Rand McNally is the copyright owner of the Major Trading Area (MTA) and BTA Listings, which list the BTAs contained in each MTA and the counties within each BTA, as embodied in Rand McNally’s Trading Area System MTA/BTA Diskette, and geographically represented in the map contained in Rand McNally’s Commercial Atlas & Marketing Guide. The conditional use of Rand McNally copyrighted material by interested persons is authorized under a blanket license agreement dated February 10, 1994 and covers use by LMDS applicants. This agreement requires authorized users of the material to include a legend on reproductions (as specified in the license agreement) indicating Rand McNally ownership. The Commission has allocated the LMDS for operations in a total of 493 BTAs throughout the nation.

² See *Second LMDS Report and Order*, 12 FCC Rcd at 12556 ¶ 12.

megahertz of total bandwidth, and the B Block license is comprised of 150 megahertz of total bandwidth.³ The A Block consists of the sub bands 27.50-28.35 GHz (the A1 Band); 29.10-29.25 GHz (the A2 Band); and 31.075-31.225 GHz (the A3 Band).⁴ The B Block consists of the sub bands 31.00-31.075 (the B1 Band) and 31.225-31.30 GHz (the B2 Band).⁵ The same entity may hold the licenses for both the A and B Blocks of spectrum in an individual BTA, but each license is auctioned and licensed separately.

3. LMDS licensees are regulated under Part 101 of the Commission's rules, which generally governs terrestrial microwave operations, and may provide any service consistent with the Commission's rules and the licensee's regulatory status,⁶ subject to a ten-year term from the initial license grant date.⁷ At the end of the ten-year period, licensees are required to submit an acceptable showing to the Commission demonstrating that they are providing "substantial service" in each licensed area.⁸ Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.⁹

4. The final LMDS band allocation was adopted by the Commission on March 20, 1997.¹⁰ Since allocating the LMDS spectrum, the Commission has thus far held two LMDS auctions: Auction 17 and Auction 23.¹¹ Auction No. 17, the first LMDS auction, began on February 18, 1998, and closed on March 25, 1998.¹² The licenses for the Stations were originally issued to Lakedale Link, Inc. ("Lakedale") on June 17, 1998, as a result of Auction No. 17.¹³ After two transfers of control of Lakedale,¹⁴ on September 14, 2010, Lakedale changes its name to Windstream Lakedale Link, Inc.¹⁵

³ See *id.*

⁴ See 47 C.F.R. § 101.1005.

⁵ See *id.*

⁶ See 47 C.F.R. § 101.1013(b).

⁷ See *Second LMDS Report and Order*, 12 FCC Rcd at 12657 ¶ 259. Pursuant to 47 C.F.R. § 101.67, LMDS licenses are issued for a period not to exceed ten years, subject to renewal upon demonstration of substantial service.

⁸ See 47 C.F.R. § 101.1011(a); see also *Second LMDS Report and Order*, 12 FCC Rcd at 12658 ¶¶ 261-262.

⁹ See 47 C.F.R. § 101.1011(a).

¹⁰ See *Second LMDS Report and Order*, 12 FCC Rcd at 12556 ¶ 13; see also Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules, to Redesignate the 27.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies For Local Multipoint Distribution Service and For Fixed Satellite Services, CC Docket No. 92-297, *First Report and Order and Fourth Notice of Proposed Rulemaking*, 11 FCC Rcd 19005, 19025 ¶ 45 (1996) (allocating the initial 1 gigahertz of spectrum for LMDS and seeking comment on the allocation of an additional 300 megahertz of spectrum at 31.0-31.3 GHz).

¹¹ See, e.g., LMDS Auction Closes, *Public Notice*, 13 FCC Rcd 18217 (1998) (*Auction 17 Closing PN*); Local Multipoint Distribution Service Auction Closes, *Public Notice*, 14 FCC Rcd 8543 (1999) (*Auction 23 Closing PN*).

¹² See FCC Announces Spectrum Auction Schedule for 1998, *Public Notice*, 12 FCC Rcd 19726 (1997); *Auction 17 Closing PN*, 13 FCC Rcd at 18217.

¹³ See File No. 0000000062 (granted June 17, 1998); see also FCC Announces the Conditional Grant of 199 Local Multipoint Distribution Service Licenses, *Public Notice*, 13 FCC Rcd 16730 (WTB 1998). The licenses in question are Stations WPOH445 (Atlantic City, NJ), WPOH446 (Daytona Beach, FL), WPOH447 (Youngstown-Warren, OH), and WPOH448 (Lihue, HI).

¹⁴ File No. 0004063973 (application for transfer of control of Lakedale Link, Inc. from Iowa Telecom to Windstream Corp., filed Dec. 18, 2009, consented to May 18, 2010, consummated June 1, 2010). See also File No. 0003346850 (application for transfer of control to Iowa Telecom in connection with that company's acquisition of
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5. Lakedale was originally required to demonstrate substantial service on June 17, 2008, or 10 years after the initial license grant date.¹⁶ On June 14, 2007, Lakedale filed applications for an extension of time to demonstrate substantial service for its LMDS licenses.¹⁷ On April 11, 2008, the Wireless Telecommunications Bureau (the “Bureau”) granted the requests for extension of the construction deadlines filed by a large group of LMDS licensees – including Lakedale– to extend their deadlines to meet the substantial service requirements to June 1, 2012, resulting in a nearly four-year construction extension for each of these licensees.¹⁸ In the *LMDS Order*, the Bureau found that LMDS licensees faced factors beyond their control, including difficulties in obtaining viable and affordable equipment, that warranted an extension.¹⁹ In making this finding, the Bureau noted that the licensees seeking relief from the construction deadlines represented a majority of LMDS licensees for whom buildout requirements were approaching, and that they all faced these same basic obstacles to timely construction.²⁰ Thus, these obstacles were not a product of an individual licensee’s short-sightedness or its unfortunate business decisions; rather, the difficulties in procuring the basic equipment necessary for LMDS operations were widespread, stemming from the state of the market. Based on the record evidence, the Bureau anticipated that various developments in the market – arising in large part from the rollout of new services that could provide opportunities for LMDS operations – would help rectify these difficulties. Thus, the Bureau found that LMDS licensees could potentially use their LMDS licenses to provide wireless backhaul services to licensees in the 700 MHz band, the Advanced Wireless Services-1 (“AWS-1”) band, and other bands suitable for mobile broadband service, all of which at that time had recently been auctioned, licensed, or put into use.²¹ The Bureau anticipated that these bands would develop robustly, along with other mobile and fixed wireless services, and that resulting opportunities for associated LMDS service (such as wireless backhaul) would help spur production of equipment designed for LMDS use and thus facilitate timely construction by LMDS licensees, including Lakedale, under the extended buildout deadline set by the Bureau.²²

6. On May 31, 2012, Windstream filed applications seeking a further six-month extension of time, until December 1, 2012, to construct the Stations.²³ Invoking the Commission’s general waiver authority under Section 1.925 of the Commission’s Rules, Windstream argues that, until recently, vendors were not producing viable, affordable, commercially available equipment capable of operating in the

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Lakedale Link’s parent company, Bishop Communications Corp., filed Mar. 7, 2008, consented to May 20, 2008, consummated July 8, 2008).

¹⁵ See File No. 0004386097 (filed Sep. 13, 2010, granted Sep. 14, 2010).

¹⁶ See *Second LMDS Report and Order*, 12 FCC Rcd at 12657 ¶ 259.

¹⁷ File Nos. 0003071138-0003071141 (filed June 14, 2007).

¹⁸ Applications filed by Licensees in the Local Multipoint Distribution Service (LMDS) Seeking Waivers of Section 101.1011 of the Commission’s Rules and Extensions of Time to Construct and Demonstrate Substantial Service, *Memorandum Opinion and Order*, 23 FCC Rcd 5894 (WTB 2008) (*LMDS Order*).

¹⁹ *Id.* at 5905 ¶ 24.

²⁰ *Id.*

²¹ *Id.* at 5905 ¶ 25.

²² *Id.*

²³ See File Nos. 0005242286-0005242289 (filed May 31, 2012) (Extension Applications). With the Extension Applications, Windstream filed an exhibit entitled “Request for Additional Time to Demonstrate Substantial Service” (Extension & Waiver Request).

LMDS band.²⁴ Even today, it adds, the selection is quite limited and radios are generally not available for immediate delivery.²⁵ Windstream analogizes the difficulties of LMDS with those experienced by Multichannel Video and Data Distribution Service (MVDDS) licensees in 2010, when the Bureau extended the five-year construction deadlines of MVDDS by an additional five years.²⁶

III. DISCUSSION

7. We find that Windstream has not justified a grant of an extension of time, or a waiver of the construction deadline, for its LMDS licenses. And without such extension or waiver, Windstream's LMDS licenses for the Stations automatically terminated, by operation of Sections 1.946(c) and 1.955(a)(2) of the Commission's Rules, as of June 1, 2012.²⁷ We discuss these findings in detail below.

A. Extension Requests

8. Windstream requests a further six-month extension of time, until December 1, 2012, to demonstrate substantial service.²⁸ This follows a previous, four-year extension for the same licenses that Lakedale sought and obtained before being acquired by Windstream.²⁹ To be eligible for an extension of time to construct, Windstream must show that its "failure to meet the construction deadline is due to involuntary loss of site or other causes beyond its control."³⁰ We conclude that Windstream has not met this threshold.

9. Windstream compares its situation to that faced by the MVDDS licensees that successfully sought extensions of build-out requirements in 2010,³¹ but the analogy is inapposite. Eleven licensees won 192 MVDDS licenses in Auction 53, but, when the Bureau issued the *MVDDS Order* extending their build-out deadlines, none had been able to purchase viable, affordable MVDDS equipment, and none had deployed service, despite their combined investment of more than \$118 million to purchase MVDDS licenses.³² By contrast, many LMDS licensees did meet the June 1, 2012 deadline and built facilities.³³ Windstream failed to meet its construction deadline because it made a voluntary

²⁴ Extension & Waiver Request at 3.

²⁵ *Id.* at 4.

²⁶ *Id.*, citing Requests of Ten Licensees of 191 Licenses in the Multichannel Video and Data Distribution Service for Waiver of the Five-Year Deadline for Providing Substantial Service, *Order*, 25 FCC Rcd 10097, 10102 (WTB 2010) ("*MVDDS Order*").

²⁷ 47 C.F.R. §§ 1.946(c) (providing that if a licensee in the Wireless Radio Services fails to commence service or operations by the expiration of its construction period or to meet its coverage or substantial service obligations by the expiration of its coverage period, its authorization terminates automatically, without specific Commission action, on the date the construction or coverage period expires) and 1.955(a)(2) (cross-referencing Section 1.946(c) and reiterating that authorizations in the Wireless Radio Services automatically terminate without specific Commission action, if the licensee fails to meet applicable construction or coverage requirements).

²⁸ Extension and Waiver Request at 1.

²⁹ File Nos. 0003071138-0003071141 (filed June 14, 2007); *LMDS Order*.

³⁰ 47 C.F.R. § 1.946(e)(1).

³¹ Extension & Waiver Request at 4, citing *MVDDS Order*.

³² *MVDDS Order*, 25 FCC Rcd at 10103 ¶ 11.

³³ As of October 3, 2012, the Broadband Division had accepted 67 LMDS build-out notifications from at least 18 different licensees. Another 221 showings were pending and undergoing review.

business decision, not because equipment was unavailable, and the Commission has consistently found that a licensee's own business decisions are not circumstances beyond the licensee's control and, for that reason, are not an appropriate basis for regulatory relief.³⁴ In view of this precedent, we find that none of the factors cited by Windstream demonstrate that its failure to construct was caused by circumstances beyond its control.

10. Windstream does not specify what, if any, efforts it might have made to line up potential customers and prepare to provide LMDS service to them, stating only that it "anticipates that it will be able to make effective and efficient use of its LMDS spectrum."³⁵ This promise is so vague as to be meaningless. Windstream also raises the alternative possibility that it might identify another company better situated to build out its license area.³⁶ This proposed justification also fails because, pursuant to Section 1.946(e)(3) of the Commission's Rules, "[e]xtension requests will not be granted for failure to meet a construction or coverage deadline ... because the licensee intends to assign the authorization."³⁷

11. Windstream also cites a series of other cases in which the Bureau granted extensions of the buildout requirement in other services.³⁸ Those cases are distinguishable from Windstream's situation. In many of those cases, there was a systemic problem with equipment availability that affected all licensees in the band.³⁹ Here, by contrast, many LMDS licensees have been able to obtain and deploy

³⁴ See, e.g., Redwood Wireless Minnesota, LLC, *Order*, 17 FCC Rcd 22416 (WTB CWD 2002) (construction delays resulting from business disputes were exercises of business judgment and were not outside Petitioner's control); Eldorado Communications LLC, *Order*, 17 FCC Rcd 24613 (WTB CWD 2002) (licensee's determination to initially deploy TDMA system and subsequently to adopt GSM with months remaining before construction deadline was business decision within its control); Bristol MAS Partners, *Order*, 14 FCC Rcd 5007 (WTB PSPWD 1999) (equipment installation or delivery not delayed for some unique reason and licensee failing to obtain equipment was business decision); AAT Electronics Corporation, 93 FCC 2d 1034 (1983) (decision not to market service aggressively because of equipment uncertainties was within licensee's control); Business Radio Communications Systems, Inc., 102 FCC 2d 714 (1985) (construction delay caused by zoning challenge not a circumstance beyond licensee's control); Texas Two-Way, Inc., 98 FCC 2d 1300 (1984), *aff'd sub nom.*, *Texas Two-Way, Inc. v. FCC*, 762 F.2d 138 (D.C. Cir. 1985) (licensee is responsible for delay resulting from interference caused by construction adjacent to construction site because site selection was an independent business decision).

³⁵ Extension & Waiver Request at 3.

³⁶ *Id.*

³⁷ 47 C.F.R. § 1.946(e)(3).

³⁸ Extension and Waiver Request at 3-4 n.7.

³⁹ See, e.g., Requests of Progeny LMS, LLC and PCS Partners, L.P. for Waiver of Multilateration Location and Monitoring Service Construction Rules, WT Docket No. 08-60, *Order*, 23 FCC Rcd 17250, 17252 ¶ 7 (WTB 2008) (extension of construction requirement granted for Multilateration Location and Monitoring Service Economic Area licenses, Bureau notes that "no M-LMS equipment is commercially available for current deployment in the United States and . . . no M-LMS licensee provides service today."); Consolidated Request of the WCS Coalition for Limited Waiver of Construction Deadline for 132 WCS Licenses, WT Docket No. 06-102, *Order*, 21 FCC Rcd 14134, 14139-14140 ¶ 10 (WTB 2006) (*WCS Order*) (construction deadline extended until July 21, 2010 for WCS licensees; "participation by almost all of the licensees in the WCS industry in this proceeding leads us to believe that the technical and equipment challenges in this band are widespread"); Request of Warren C. Havens for Waiver of The Five-Year Construction Requirement For 220 MHz Service Part II Economic Area and Regional Licensees, *Memorandum Opinion and Order*, 19 FCC Rcd 12994, 13000-13001 ¶ 15 (WTB 2004) (Five-year construction requirement until November 5, 2007 for all 220 MHz Phase II EA, regional, and nationwide licensees. "The two companies that originally manufactured five kilohertz voice equipment no longer do so. We find that the loss of that equipment was a unique circumstance that have frustrated licensees' efforts to meet the construction requirements."); FCI 900, Inc., *Memorandum Opinion and Order*, 16 FCC Rcd 11072, 11077 ¶ 7 (WTB 2001) (16

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equipment. In the case of WCS, there were broader issues with the service rules that delayed or prevented deployment.⁴⁰ No party has argued that the LMDS service rules are responsible for delays in deploying service.

12. As noted above, when the Bureau granted an extension to LMDS licensees in 2008, it anticipated that licensees could potentially provide wireless backhaul services to licensees in bands that had recently been auctioned, licensed, or put into use.⁴¹ In the years since the Bureau originally extended the construction deadline for these licenses, there has been considerable deployment of wireless broadband service in the 700 MHz, AWS-1, and BRS/EBS bands. Thus, the validity of one of the factors supporting the Bureau's earlier extension of the construction deadline – that with some additional time, productive opportunities for using LMDS licenses would develop as these emerging wireless broadband services create a need for supporting backhaul service – has been substantially confirmed. Notwithstanding the emergence of those services and their growing need for the kinds of backhaul services that LMDS can provide, Windstream made no attempt to construct LMDS facilities. We therefore conclude that the decision to grant an extension to LMDS licensees in 2008 does not support Windstream's request for yet more time.⁴²

13. Finally, Windstream suggests, "Denial of this request will merely postpone development of the LMDS band, as the Commission would have to reclaim and reauction the spectrum at issue here, and new licensees would then have ten years before 'substantial service' would be required."⁴³ Because this argument could be used to justify virtually every failure to construct, granting an extension of the construction deadlines on this basis would undermine the efficacy of construction deadlines generally, eliminating the incentive for timely construction and the expeditious provision of service to the public. Thus, Windstream ignores the broader ramifications of its position: that grant of its request for an extension of time to construct would ultimately serve to defeat the fundamental public interest of ensuring licensee compliance with public interest obligations, including the duty to follow rules designed to bring service to the public as expeditiously as possible. Windstream and Lakedale have had these licenses for fourteen years and have done nothing with them. We agree with Windstream that the licenses in question could play an important role in providing wireless backhaul to support 4G services and should not lie fallow. The Bureau will expeditiously take action to relicense the spectrum in an appropriate fashion so that another operator could promptly place the spectrum in use.

B. Waiver Request

14. To be granted a waiver of the June 1, 2012 construction deadline, Windstream must show that either (1) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (2) in view of the unique or unusual circumstances of the instant case, application of the rule(s) would be

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month extension of construction deadline granted for 900 MHz Major Trading Area licensees - no digital voice equipment available for the 900 MHz SMR band).

⁴⁰ See *WCS Order*, 21 FCC Rcd at 14139 ¶ 10 (noting that restrictive out-of-band emission limits may have impeded development of WCS equipment).

⁴¹ *LMDS Order*, 23 FCC Rcd at 5905 ¶ 25.

⁴² For the same reasons, we find Windstream's reliance on IDT Spectrum, LLC, *Order on Reconsideration and Memorandum Opinion and Order*, 23 FCC Rcd 12005 (WTB 2008) (Extension and Waiver Request at 3 n.7) to be inapposite.

⁴³ Extension and Waiver Request at 4.

inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.⁴⁴ As is discussed more fully below, we conclude that Windstream has failed to make the requisite showing, and we therefore deny its waiver request.

15. First, we conclude that an extension would be inconsistent with the underlying purpose of the substantial service standard, which, as the Commission has said, is to provide “a clear and expeditious accounting of spectrum use by licensees to ensure that service is being provided to the public.”⁴⁵ Windstream has not identified potential customers, ordered LMDS equipment or begun the process of deploying it. In contrast, many other LMDS licensees have built their facilities. Granting Windstream a further extension despite its lack of commitment to develop its LMDS spectrum would be inconsistent with the underlying purpose of the substantial service requirement.

16. We also conclude that Windstream has not shown that requiring compliance with the substantial service rules is inequitable, unduly burdensome, and contrary to the public interest. As we have previously discussed, Windstream’s decision not to construct its LMDS licenses was a business decision. Other licensees made other business decisions that led them to build out their licenses.⁴⁶

17. Authorizations for LMDS licenses automatically terminate if the licensee fails to meet construction or coverage requirements.⁴⁷ In light of our decision to deny Windstream’s request for an extension or waiver of the construction requirements on the ground that grant of such request is not in the public interest, Windstream’s licenses automatically terminated, by operation of Sections 1.946(c) and 1.955(a)(2) of the Commission’s Rules,⁴⁸ as of June 1, 2012.

IV. CONCLUSION AND ORDERING CLAUSES

18. Windstream has failed to justify an extension of time to meet the substantial service deadline for its LMDS stations or to justify a waiver of the June 1, 2012 deadline for establishing substantial service. We therefore deny the Extension and Waiver Request. Accordingly, Windstream’s

⁴⁴ See 47 C.F.R. § 1.925(b)(3); see also 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *aff’d*, 459 F.2d 1203 (1972), *cert. denied*, 409 U.S. 1027 (1972).

⁴⁵ See Amendment of Part 101 of the Commission’s Rules to Facilitate the Use of Microwave for Wireless Backhaul and Other Uses and to Provide Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees, WT Docket No. 10-153, *Second Report and Order, Second Further Notice of Proposed Rulemaking, Second Notice of Inquiry, Order on Reconsideration, and Memorandum Opinion and Order*, 27 FCC Rcd. 9735, 9773-9774 ¶ 104 (2012) (“*Wireless Backhaul 2nd R&O*”), citing *39 GHz R&O*, 12 FCC Rcd at 18623 ¶ 42; see also *39 GHz R&O*, 12 FCC Rcd at 18625 ¶ 46 (“This approach will permit flexibility in system design and market development, while ensuring that service is being provided to the public.”); *39 GHz R&O*, 12 FCC Rcd at 18626 ¶ 46 (“This revised performance standard should ensure that meaningful service will be provided without unduly restricting service offerings.”); *39 GHz R&O*, 12 FCC Rcd at 18625 ¶ 47 (“[A]pplying a similar performance requirement to all licensees at the license renewal point will help establish a level playing field without compromising the goals of ensuring efficient spectrum use and expeditious provision of service to the public.”); *39 GHz Renewal Order*, 17 FCC Rcd at 4407 ¶ 11 (“The Commission’s overarching purpose behind adopting the substantial service standard for renewal was to ensure that the spectrum was being used to provide service to the public.”).

⁴⁶ See note 33, *supra*.

⁴⁷ 47 C.F.R. §§ 1.946(c) and 1.955(a)(2).

⁴⁸ *Id.*

licenses to operate LMDS stations WPOH445, WPOH446, WPOH447 and WPOH448 automatically terminated, by operation of Commission rule, as of June 1, 2012.

19. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and Sections 1.925 and 1.946 of the Commission's Rules, 47 C.F.R. §§ 1.925, 1.946, that the requests for a waiver and applications for extension of time to demonstrate substantial service (File Nos. 0005242286, 005242287, 005242288 and 005242289) filed by Windstream Lakedale Link, Inc. on May 31, 2012 ARE DENIED.

20. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.955(a)(2) of the Commission's Rules, 47 C.F.R. § 1.955(a)(2), that the Universal Licensing System SHALL BE UPDATED to reflect that the license issued to Windstream Lakedale Link, Inc. for Local Multipoint Distribution Service Stations WPOH445, WPOH446, WPOH447 and WPOH448 TERMINATED as of June 1, 2012.

21. These actions are 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

John J. Schauble
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