



Federal Communications Commission  
Washington, D.C. 20554

February 21, 2013

DA 13-254

Mr. Marc D. Fisher  
State of Maine  
Department of Administrative and Financial Services  
Office of Information Technology  
26 Edison Drive  
145 State House Station  
Augusta, Maine 04333-0145

RE: Petition for Reconsideration and Request for Extension of Time to Construct VHF Public Safety Trunked Stations, State of Maine – MSCommNet Project

Dear Mr. Fisher:

On December 17, 2012 the State of Maine, Office of Information Technology (Maine) filed a Petition for Reconsideration (Petition) of a notice of termination of its licenses under 17 call signs (the Call Signs).<sup>1</sup> Maine also filed an extended implementation plan and requested an extension of the construction deadline for the Call Signs until November 5, 2013, pursuant to Sections 1.946(e)<sup>2</sup> of the Commission's rules.<sup>3</sup> For the reasons stated below, we grant Maine's petition for reconsideration and we grant its request for extended implementation.

On December 12, 2012, the Public Safety and Homeland Security Bureau (Bureau) notified Maine that it had placed the Call Signs in "Termination Pending" status because Maine failed to meet its construction and construction notification requirements as required by the Commission's rules.<sup>4</sup> The Bureau's records indicate that Maine did not file the "Required Notification of Construction," which was due within 15 days after the construction or coverage requirement deadline.<sup>5</sup> Maine also failed to file a timely request for an extension of time.<sup>6</sup> The Bureau notification stated that "[i]f a licensee does not file the Required Notification or Extension of Time request, we presume that the license or license component has not been constructed, or the coverage requirement has not been met."<sup>7</sup>

In its Petition and extended implementation request, Maine states that it "is in the final stages of implementing the Maine Statewide Communications Network – MSCommNet," which it describes as "a

---

<sup>1</sup> See Letter from Marc D. Fisher, OIT to FCC, Public Safety and Homeland Security Bureau (dated Dec. 17, 2012) (Petition for Reconsideration) *re* WQMC387, WQMP240, WQMQ716, WQMQ861, WQMR539, WQND766, WQNP284, WQNV742, WQNV745, WQNV746, WQNX573, WQNX576, WQOC959, WQOD944, WQOI396, WQOI935 and WQNR862.

<sup>2</sup> 47 C.F.R. § 1.946(e).

<sup>3</sup> See Letter from Marc D. Fisher, OIT to FCC, Public Safety and Homeland Security Bureau, (dated Dec. 17, 2011 amended Jan. 14, 2013) (Extended Implementation Request).

<sup>4</sup> See, e.g., Auto Termination Letter, Reference Number: 5498958 (dated Dec. 12, 2012) (Auto Termination Letter). Maine was required to construct the facilities authorized by its Call Signs by November 5, 2012.

<sup>5</sup> 47 C.F.R. § 1.946(d)

<sup>6</sup> 47 C.F.R. § 1.946(e).

<sup>7</sup> See Auto Termination Letter at 1.

multi-million, multi-agency, statewide communications project.”<sup>8</sup> Maine states that “[f]requency planning, being a major hurdle for any large scale system, commenced well in advance of the site construction.”<sup>9</sup> Maine’s “goal, as outlined in its contract with Harris Corporation is to have a new, completed narrowband-compliant, statewide communications system prior to December 30, 2013, the revised Narrowbanding deadline for the State of Maine, pursuant to the FCC letter dated December 7<sup>th</sup>, 2012[.]”<sup>10</sup>

*Petition for Reconsideration.* Section 1.106(c)(2) of the Commission’s rules provides that a petition for reconsideration which relies on facts not previously presented to the Commission may be granted if we find that “consideration of the facts relied on is required in the public interest.”<sup>11</sup> Here, Maine informs us that the Call Signs “represent[] a significant portion of the MSCCommNet frequency plan.”<sup>12</sup> Additionally, Maine claims it is in the final stages of implementing MSCCommNet, which, it asserts, will be completed before the expiration of the December 30, 2013 revised narrowbanding deadline imposed by the Commission in its December 7, 2012 letter. Based on these facts, we find that the public interest supports grant of the Petition and reinstatement of the authorizations.

*Extended Implementation.* Maine also seeks an extension of time until November 5, 2013 to construct the facilities authorized by the Call Signs.<sup>13</sup> Section 90.629 of the Commission’s rules requires applicants to justify an extended implementation period.<sup>14</sup> The justification must describe the proposed system, state the amount of time necessary to construct and place the system in operation, identify the number of base stations to be constructed and placed into operation during each year of the extended construction period, and show that the proposed system will require longer than twelve months to construct because (i) of its purpose, size, or complexity,<sup>15</sup> (ii) it is to be part of a coordinated or integrated wide-area system,<sup>16</sup> or (iii) the applicant is required by law to follow a multi-year cycle for planning, approval, funding, and purchasing the proposed system.<sup>17</sup>

Based on our review of Maine’s filing, we find that it has warranted a grant of extended implementation until November 5, 2013. Maine has made substantial progress to date. It represents that “site acquisition, civil structure construction, system design and equipment manufacturer are complete with the exception of a portion of the frequency plan dependent components of the antenna system which await completion of the frequency licensing process.”<sup>18</sup> Maine adds that “[e]quipment installation is well

---

<sup>8</sup> Petition for Reconsideration at 1.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* See Letter from Zenji Nakazawa, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, and Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau to Robert M. Gurss, Esq. (dated Nov. 22, 2012).

<sup>11</sup> See 47 C.F.R. § 1.106(c)(2).

<sup>12</sup> See Petition for Reconsideration at 1.

<sup>13</sup> *Id.*

<sup>14</sup> See 47 C.F.R. § 90.629.

<sup>15</sup> See 47 C.F.R. § 90.629(a)(1).

<sup>16</sup> See 47 C.F.R. § 90.629(a)(2).

<sup>17</sup> See 47 C.F.R. § 90.629(a)(3).

<sup>18</sup> Extended Implementation Request at 2.

underway with completion scheduled for May 29, 2013, this will be followed by system acceptance and commissioning processes with cutover to service November 5, 2013.”<sup>19</sup>

Based on the record, we find that grant of extended implementation will enable Maine to meet the final milestones identified in its implementation schedule involving site development and acceptance.<sup>20</sup> Given Maine’s commitment to complete a narrowband-compliant statewide communications system before December 30, 2013, and the benefits that MSCCommNet will provide to public safety activities throughout the state, we find that Maine has satisfied the criteria for extended implementation.

Accordingly, IT IS ORDERED, pursuant to the authority of Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the Petition for Reconsideration filed by the State of Maine, Office of Information Technology, on December 17, 2012, IS GRANTED to the extent indicated herein.

IT IS FURTHER ORDERED, that the State of Maine, Office of Information Technology’s request for an extension of the construction deadline for Public Safety Trunked Stations WQMC387, WQMP240, WQMQ716, WQMQ861, WQMR539, WQND766, WQNP284, WQNV742, WQNV745, WQNV746, WQNX573, WQNX576, WQOC959, WQOD944, WQOI396, WQOI935 and WQNR862 IS GRANTED until November 5, 2013.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm  
Deputy Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau

---

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*