

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

In the Matter of)
)
Spectrum 100, LLC)
Station WQUX289)
)
Western Spectrum Ventures, LLC)
Station WQUX292)
)
Eagle Group PMA)
Station WQUX293)

ORDER

Adopted: October 6, 2016

Released: October 7, 2016

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

1. *Introduction.* As set forth below, we conclude that the licenses for the above-captioned stations (Stations) licensed to Spectrum 100, LLC (Spectrum 100), Western Spectrum Ventures, LLC (Western Spectrum), and Eagle Group PMA (Eagle Group) (collectively, Licensees) have automatically terminated for permanent discontinuance of operation. Consequently, we will modify the Commission’s licensing records to reflect the cancellation of the licenses.

2. *Background.* On November 5, 2014, the Licensees were granted the licenses for trunked 800 MHz Specialized Mobile Radio (SMR) Stations WQUX289 (licensed to Spectrum 100), WQUX292 (licensed to Western Spectrum), and WQUX293 (licensed to Eagle Group), all at the following two locations: N5815 CTY U, Portage, Wisconsin, and W5389 Fairview Road, Monticello, Wisconsin.¹ On November 2, 2015, the Licensees filed notifications indicating that the station facilities had been timely constructed.²

3. In April 2016, Smartcomm, LLC, filed an informal request for investigation regarding the veracity of the construction notifications.³ The request includes a declaration of an employee of a Smartcomm affiliate, who stated that she performed a physical site inspection at both locations and observed no antennas mounted on towers at the authorized location and height, and that no building permits were filed with the county offices for either location.⁴ The declaration included photographs showing no antennas mounted at the Stations’ authorized location and height.

4. In August 2016, the Spectrum Enforcement Division of the Commission’s Enforcement

¹ See ULS File Nos. 0006500923 (WQUX289), 0006500926 (WQUX292), 0006500929 (WQUX293).

² See FCC File Nos. 0007010119 (WQUX289), 0007009097 (WQUX292), 0007009138 (WQUX293).

³ Request for Investigation and Informal Complaint, Spectrum 100, LLC, WQUX289; Northern Spectrum Advisors, LLC, WQUX290; Janus Spectrum Group, LLC, WQUX291; Western Spectrum Ventures, LLC, WQUX292; Eagle Group PMA, WQUX293; TD Spectrum, LLC, WQUX294 (filed Apr. 5, 2016).

⁴ See *id.*, Exhibit “Declaration of Sara Dople.”

Bureau, acting pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁵ requested that the Licensees provide specified information concerning the construction and operational status of the Stations.⁶ In response, the Licensees reported, *inter alia*, that the Stations had not been operational since November 2015.⁷

5. *Discussion.* Section 90.631(f) of the Commission's rules provides that the license for a trunked SMR station cancels automatically if the station is not placed in permanent operation, in accordance with the licensed parameters, within one year of license grant; or if the facilities have discontinued operation for ninety continuous days (unless the licensee notifies the Commission prior to the end of the ninety-day period and provides a date on which operation will resume, which must not be in excess of thirty additional days).⁸

6. The information provided by the Licensees is sufficient evidence that the Stations have not been in operation for ninety continuous days, and that their authorizations canceled automatically.⁹ Therefore, we will update the Commission's Universal Licensing System to reflect the cancellation of the licenses for Stations WQUX289, WQUX292, and WQUX293. We need not resolve whether the Stations were timely placed in permanent operation.

7. 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 90.631(f) of the Commission's Rules, 47 C.F.R. § 90.631(f), the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the licenses for Stations WQUX289, WQUX292, and WQUX293.

8. 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

⁵ 47 U.S.C. § 308(b).

⁶ Letter dated Aug. 5, 2016, from Bruce D. Jacobs, Chief, Spectrum Enforcement Division, Enforcement Bureau, to Raeann Gibson, Spectrum 100, LLC; Letter dated July 26, 2016, from Bruce D. Jacobs, Chief, Spectrum Enforcement Division, Enforcement Bureau, to Aghee William Smith, Western Spectrum Ventures, LLC; Letter dated July 29, 2016, from Bruce D. Jacobs, Chief, Spectrum Enforcement Division, Enforcement Bureau, to Ray Chadwick, Eagle Group PMA.

⁷ Letter dated Sept. 12, 2016, from David J. Kaufmann, Rini O'Neil, PC, to Marlene H. Dortch, Secretary, Federal Communications Commission, Attachment at 4; Letter dated Sept. 1, 2016, from David J. Kaufmann, Rini O'Neil, PC, to Marlene H. Dortch, Secretary, Federal Communications Commission, Attachment at 3; Letter dated Sept. 6, 2016, from David J. Kaufmann, Rini O'Neil, PC, to Marlene H. Dortch, Secretary, Federal Communications Commission, Attachment at 4.

⁸ 47 C.F.R. § 90.631(f).

⁹ *See, e.g., B.K. Marine Construction, Inc.*, Letter Order, 22 FCC Rcd 737, 738 (WTB MD 2007).