

In the Matter of)
)
ORANGE COUNTY, NEW YORK,)
DEPARTMENT OF EMERGENCY)
COMMUNICATIONS)
)
Petition for Reconsideration)

⁸ *Id.* Orange County noted that this license is part of a countywide system and associated with call signs WQRR871, WQYH337, WQYH466 and WQYI757. *Id.* Orange County stated that applications to modify these licenses were filed September 13, 2017, and September 18, 2017. *Id.*

its microwave system as reason for failure to timely complete construction; notwithstanding that all 800 MHz radio equipment for the system had been purchased and timely delivered.⁹

III. DISCUSSION

4. Section 1.106(c)(2) of the Commission's rules provides that a petition for reconsideration may rely on facts not previously presented if we find that "consideration of the facts relied on is required in the public interest."¹⁰ An inadvertent failure to request extended implementation is insufficient justification to consider Orange County's Petition. Additionally, under the Commission's auto-term process, if a licensee, by the end of the 30-day period for seeking reconsideration does not rebut the presumption that it did not timely meet its construction or coverage requirement, ULS will change the status of the license, location, or frequency to "Terminated," effective on the date of the construction deadline.¹¹ Here, Orange County concedes that it did not timely construct and that it was aware of ongoing construction delays.¹² Thus, Orange County could have and should have filed an extension request before the construction deadline. We therefore deny the Petition.

5. However, Orange County may file a new, properly coordinated application for a license if it desires to use its previously licensed frequencies. In addition, if Orange County needs to operate while a new application is pending with the Commission, it may file a request for special temporary authority in accordance with Section 1.931 of the Commission's rules.¹³

IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 303(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(c), and Sections 1.106 of the Commission's rules, 47 CFR § 1.106, that the Petition for Reconsideration filed October 19, 2017, by the County of Orange, New York, Department of Emergency Communications, IS DENIED.

7. IT IS FURTHER ORDERED that the licensing staff of the Policy and Licensing Division SHALL TERMINATE the authorization for call sign WQYF322 in accordance with this Order and the Commission's Rules.

8. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

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

⁹ *Id.*

¹⁰ See 47 CFR § 1.106(c)(2).

¹¹ *Wireless Telecommunications Bureau Announces Deployment Of "Auto-Term," the Automated Feature in its Universal Licensing System That Identifies Unconstructed Stations Resulting in Automatic Termination of Licenses*, Public Notice, 21 FCC Rcd 163 (WTB 2006).

¹² Petition at 1.

¹³ See 47 CFR § 1.931.