

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

In the Matter of
Town of Cromwell
Petition for Reconsideration

ORDER

Adopted: December 19, 2018

Released: December 19, 2018

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION AND BACKGROUND

1. The Town of Cromwell, Connecticut (Cromwell) filed a Petition for Reconsideration (Petition) of the Commission’s notice of termination of Cromwell’s license to operate on VHF frequencies under call sign KJJ377.1 Cromwell also requested an extension of time to construct its facilities.2 The construction deadline for Cromwell’s station was July 20, 2018.3 On April 24, 2018, the Commission’s Universal Licensing System (ULS) sent a construction reminder to Cromwell for the station.4 On August 29, 2018, the ULS issued Cromwell a letter advising the County that its license was in termination pending status.5

2. On September 6, 2018 Cromwell filed the instant Petition and request to extend the construction deadline.6 Cromwell stated that due to turnover in its administrative positions the Town of Cromwell did not notify the FCC about the actual date of the buildout or file for an extension for the frequencies in question.7 We deny the Petition and extension request.

II. DISCUSSION

3. 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.”8 An inadvertent failure to provide buildout information or request extended implementation is insufficient justification to grant Cromwell’s Petition. Additionally, under the Commission’s auto-termination 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

1 See Cromwell Fire Department, Petition for Reconsideration, re Call Sign KJJ377, at 1 (Sep. 6, 2018) (Petition).

2 Id.

3 See 47 CFR §§ 1.955, 90.155. The frequencies at issue include (1) 155.415 MHz at Location 1, (2) 154.980 MHz at Location 5, (3) 156.030 MHz at Location 5.

4 See Construction/Coverage Deadline Reminder Notice, Reference No. 6360030 (dated April 24, 2018).

5 See Construction/Coverage Deadline, Notice of Termination Pending Status, Reference No. 6401000 (dated August 29, 2018).

6 See Petition at 1.

7 Id.

8 See 47 CFR § 1.106(c)(2).

requirement, ULS will change the status of the license, location, or frequency to "Terminated," effective on the date of the construction deadline.⁹ Here, Cromwell concedes that it did not timely construct.¹⁰ Since Cromwell could have and should have filed an extension request before the construction deadline, we deny the Petition and extension request.

4. However, Cromwell may file a new, properly coordinated application for a license if it desires to use its previously licensed frequencies. In addition, if Cromwell 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.¹¹

III. ORDERING CLAUSES

5. 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 September 6, 2018, by the Town of Cromwell, Connecticut, IS DENIED.

6. IT IS FURTHER ORDERED that the licensing staff of the Policy and Licensing Division SHALL TERMINATE frequencies (1) 155.415 MHz at Location 1, (2) 154.980 MHz at Location 5, and (3) 156.030 MHz at Location 5, under call sign KJJ377 in accordance with this Order and the Commission's rules.

7. 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 *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).

¹⁰ Petition at 1.

¹¹ See 47 CFR § 1.931.