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

In the Matter of	)	
	)	
Fairmont Rural Fire Department	)	Call Sign WQJL498
	)	
Petition for Reconsideration	)	

ORDER

Adopted: May 24, 2019 **Released: May 24, 2019**

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

I. BACKGROUND

1. On October 22, 2018, the license for station call sign WQJL499, held by the Fairmont North Carolina Rural Fire Department (Fairmont), expired. On the same date, the Licensing Branch of the Policy and Licensing Division (Branch) received an application from Fairmont to renew the license. The Branch dismissed that renewal application on November 10, 2018 because Fairmont answered "no" in response to Question No. 6 on the application form: "Is the Applicant exempt from FCC application fees?" Fairmont should have answered "yes" to the inquiry because, as a public safety licensee, Fairmont was exempt from paying an application fee.[1] Because of the "no" response, however, the Branch, relying on Fairmont's incorrect answer, dismissed the renewal application because there was no record of Fairmont's paying an application fee.

2. On November 26, 2018, the Branch received a revised renewal application from Fairmont, dated November 22, 2018 in which Fairmont requested reinstatement of its license.[2] Fairmont stated "[p]lease accept this Waiver Request [sic] and re-instate call sign WQJL498, which is licensed to Fairmont Rural Fire Department. This radio system is vital for communications among fire fighters in the Fairmont area of Robeson County, NC. The Department did not mean to allow the license to lapse and filed for renewal as soon as the error was discovered."[3]

II. DISCUSSION

3. Notwithstanding Fairmont's characterization of its filing as a waiver request, we treat it as a timely filed petition for reconsideration, pursuant to Section 1.106 of the Commission's rules, seeking reversal of the Branch's action in dismissing Fairmont's initial renewal application for failure to pay a filing fee.

4. Fairmont's error in responding to the filing fee question was not so serious as to merit refusal to reinstate its license. Were we to decide otherwise, Fairmont would have to prepare and file a new application for license and pay for the services of a Commission-certified frequency coordinator to verify that its former frequency was still available. To continue operation of its station while the Commission processed the new application, Fairmont would have to prepare and file a request for Special

[1] *See* 47 U.S.C. § 159(h); 47 CFR § 1.1116(b).

[2] The revised application contained an "Exhibit A – page 1 of 1 – Petition for Reconsideration Response to Dismissal of Renewal filing – Waiver of Late-filed Renewal."

[3] The exhibit was signed by Terry Gibson, Chief, Fairmont Rural Fire Department.

Temporary Authorization (STA) of its station. We regard Fairmont's mistake as a *de minimis* error of the kind that the Commission has found inconsequential in the context of license renewal and other applications.[4]

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 Section 1.106 of the Commission's rules, 47 CFR § 1.106, that the petition filed by the Fairmont Rural Fire Department IS GRANTED.

6. IT IS FURTHER ORDERED, that the Licensing Branch of the Policy and Licensing Division of the Public Safety and Homeland Security Bureau SHALL AMEND the application for renewal of license filed by the Fairmont Rural Fire Department to specify the answer "yes" to the Form 601, Question 6 inquiry "Is the Applicant exempt from FCC application fees?"

7. IT IS FURTHER ORDERED that the Licensing Branch of the Policy and Licensing Division of the Public Safety and Homeland Security Bureau, SHALL REINSTATE AND RENEW the license of the Fairmont Rural Fire Department, call sign WQJL498.

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

[4] *Cf. WHNO(TV),* Letter, 20 FCC Rcd. 20098 (M.B. 2005) (License renewal granted despite a 45 second *de minimis* violation of the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394.); *Portland Cellular Partnership*, Memorandum Opinion and Order, 8 FCC Rcd 4146 (1993). (Application reinstated on reconsideration where applicant's extension of coverage into a nearby licensee's coverage area was deemed *de minimis.*).