

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

In the Matter of
Honolulu Police Department
Request for Waiver of Section 1.946 of the
Commission's Rules

ORDER

Adopted: May 24, 2019

Released: May 24, 2019

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

1. On December 26, 2018, the Public Safety and Homeland Security Bureau (Bureau) notified the Honolulu Police Department (Department or HPD) that it had placed station call sign WRAH381 on Termination Pending status because the Department failed to meet the construction and construction notification requirements required by the Commission's rules.

2. Section 1.106(f) of the Commission's rules requires that a petition for reconsideration "shall be filed within 30 days from the date of public notice of the final Commission action..." Thus, January 25, 2019 was the original filing deadline for the Department to file a reconsideration petition. This deadline was extended because of the partial government shutdown, which caused the Commission to suspend most operations from January 3, 2019, through January 25, 2019.

3. If the Department desires to continue operating under the parameters formerly set forth under call sign WRAH381, it must file a new, properly coordinated, application. In addition, if the Department needs to operate while the application is pending with the Commission, it must immediately

1 See Auto Termination Letter, Reference Number: 6436833 (dated Dec. 26, 2018) (Auto Termination Letter). As a condition of its authorization, the Commission's rules required the County to construct its station, Call Sign WQZG446 by Nov. 16, 2018. 47 CFR § 1.946.

2 Petition for Reconsideration, filed February 19, 2019 by the Honolulu Police Department (Petition).

3 47 CFR §106(f).

4 Revisions to Filing and Other Deadlines Following Resumption of Normal Commission Operations, Public Notice, DA 19-26, (CGB, EB, IB, MB, PSHSB, WTB, WCB, OEA, OET, OGC, OMD, Jan. 29, 2019).

5 Id. "Filings that would otherwise be required to be filed between January 8 and February 7 will be due for filing on February 8, 2019."

6 47 CFR § 1.106(f) is based on Section 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 405(a). Other than in circumstances not present here, this statutory requirement cannot be waived. See Reuters Ltd. v. FCC, 781 F2d 946, 951-952 (D.C.Cir.1986).

file a request for special temporary authority in accordance with Section 1.931 of the Commission's rules.<sup>7</sup>

4. 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), Section 1.106 of the Commission's Rules, 47 CFR §1.106, and Section 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 405(a), that the Petition for Reconsideration filed by the Honolulu Police Department, on February 19, 2019, IS DISMISSED.

5. 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

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<sup>7</sup> See 47 CFR § 1.931.