

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

In the Matter of )
Washington County Central Dispatch 911, ) Call Sign WPWR986
Cadet, Missouri )
Petition for Reconsideration )

ORDER

Adopted: October 13, 2020

Released: October 14, 2020

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

I. INTRODUCTION

1. On July 31, 2019, Washington County Central Dispatch 911 (WCCD) filed a Petition for Reconsideration (Petition) of the Commission’s notice that WCCD’s license to operate under call sign WPWR986<sup>1</sup> was pending termination. For the reasons stated below we deny the Petition.

II. BACKGROUND

2. On March 23, 2019, the Commission’s Universal Licensing System (ULS) sent a construction notice reminder to WCCD alerting it to the pending construction deadline for call sign WPWR986.<sup>2</sup> This reminder notified WCCD that it had to file a Notice of Construction for WPWR986 by June 25, 2019.<sup>3</sup> WCCD did not file the Notice of Construction and on July 31, 2019, ULS issued WCCD a letter advising WCCD that the deadline to submit the construction notice had passed and that the license was in termination pending status.<sup>4</sup> On July 31, 2019 WCCD timely filed the instant Petition.<sup>5</sup>

3. WCCD states that it did not submit the required Notice of Construction by the deadline due to an error by its radio systems contact contractor.<sup>6</sup> WCCD contends that it “has encountered numerous

<sup>1</sup> See Washington County Central Dispatch 911, Petition for Reconsideration, re Call Sign WPWR986 (July 31, 2019) (Petition).

<sup>2</sup> See Construction/Coverage Deadline Reminder Notice, Reference No. 6480586 (dated Mar. 23, 2019).

<sup>3</sup> See 47 CFR § 1.946 (d) (“A licensee who commences service or operations within the construction period or meets its coverage or substantial services obligations within the coverage period must notify the Commission by filing FCC Form 601. The notification must be filed within 15 days of the expiration of the applicable construction or coverage period.”).

<sup>4</sup> See Construction/Coverage Deadline, Notice of Termination Pending Status, Reference No. 6534362 (dated Jul. 31, 2019).

<sup>5</sup> 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. See 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). Given that ULS issued the Notices of Termination Pending Status on July 31, 2019 and WCCD filed its Petition on July 31, 2019, its petition is timely.

<sup>6</sup> Petition at 1.

weather-related delays in the buildout of our new tower system, thus putting the final construction and on-air deadline behind schedule.”<sup>7</sup> WCCD seeks an extension of the construction deadline until October 31, 2019, contending it may do so pursuant to sections 1.946(e)(1) and (4) of the Commission’s rules, and states that it “can demonstrate compliance with all other requirements and a presumption of diligence as stated in 1.946 (e) (2).” It also cites section 1.955(a)(2) of the Commission’s rules for the proposition that “[i]f the licensee orders equipment within 90 days of its initial license grant, a presumption of diligence is established.”<sup>8</sup>

### III. DISCUSSION

4. WCCD concedes that it did not construct by the deadline. It did not request an extension of time to construct until after the deadline passed. Section 90.155(g) of the Commission’s rules is clear: “Extensions of time must be filed prior to the expiration of the construction period.”<sup>9</sup> WCCD’s reliance on sections 1.946(e)(1)(2) and (4) of the Commission’s rules is misplaced: those rule sections apply only to extensions of time submitted before the construction deadline. Therefore, WCCD’s authorization terminated automatically upon its failure timely to construct.<sup>10</sup>

5. WCCD may file a new, properly coordinated application if it desires to use its previously licensed frequencies. In addition, if WCCD needs to operate while an 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.<sup>11</sup>

### IV. ORDERING CLAUSE

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 July 31, 2019, by Washington County Central Dispatch 911, IS DENIED.

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

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<sup>7</sup> *Id.*

<sup>8</sup> *Id. citing* 47 CFR § 1.946 (e)(2).

<sup>9</sup> 47 CFR § 90.155(g).

<sup>10</sup> WCCD’s representation that its contractor failed timely to submit a construction notification is both irrelevant and counterintuitive. The contractor could not file a construction notification until construction was complete; construction was not complete by the deadline.

<sup>11</sup> 47 CFR § 1.931.