

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

In the Matter of)	
)	
Deschutes County 911, Oregon)	Call Signs WRBU336, WRBU325
)	
Request for Waiver of Section 1.946 of the)	
Commission's Rules)	

ORDER

Adopted: October 13, 2020

Released: October 14, 2020

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

1. On January 29, 2020, the Public Safety and Homeland Security Bureau (Bureau) notified the Deschutes County 911 (Deschutes or the County) that it had placed components of station WRBU336 and WRBU325 on Termination Pending status because the County failed to meet the construction and construction notification requirements of the Commission's rules.¹ On March 2, 2020, the County filed Petitions for Reconsideration of the notice of termination of its licenses.² We dismiss the Petitions as untimely.

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..."³ Thus, the deadline for the County to file a reconsideration petition was January 27, 2020, 30 days after the Bureau notified the County of the pending terminations. However, the County did not file its Petitions until March 2, 2020. Because the Petitions do not meet the requirements of section 1.106(f), we must dismiss them as untimely.⁴

3. If the County desires to continue operating under the parameters formerly set forth under call signs WRBU336 AND WRBU325, it must file new, properly coordinated applications. In addition, if the County needs to operate while the applications are pending with the Commission, it must immediately file requests for special temporary authority in accordance with section 1.931 of the Commission's rules.⁵

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

¹ See Auto Termination Letter, Reference Number: 6602792 (dated Dec. 26, 2019) (Auto Termination Letter). The components at issue are Location 3, 154.055 MHz and Location 4, 154.055 MHz and 159.345 MHz. As a condition of its authorization, the Commission's rules required the County to construct these locations by Nov. 20, 2019. 47 CFR § 1.946.

² Petitions for Reconsideration filed March 2, 2020 by Deschutes County 911.

³ 47 CFR §106(f).

⁴ 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 F.2d 946, 951-952 (D.C. Cir.1986).

⁵ See 47 CFR § 1.931.

amended, 47 U.S.C. § 405(a), that the Petitions for Reconsideration filed by the Deschutes County 911 on March 2, 2020, **ARE DISMISSED**.

5. **IT IS FURTHER ORDERED** that the licensing staff of the Policy and Licensing Division **SHALL MODIFY** the authorization for call signs WRBU336 and WRBU325 in accordance with this Order and the Commission's Rules.

6. 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