

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

In the Matter of)	
)	
County of Sarasota, Florida)	Call Sign WRAF455
)	
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 September 4, 2019, the Public Safety and Homeland Security Bureau (Bureau) notified the County of Sarasota (Sarasota or the County) that it had placed station WRAF455 on Termination Pending status because the County failed to meet the construction and construction notification requirements of the Commission's rules.¹ On October 9, 2019, the County filed a Petition for Reconsideration of the notice of termination of its license.² We dismiss the Petition 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 Sarasota to file a reconsideration petition was October 4, 2019, 30 days after the Bureau notified Sarasota of the pending termination. However, the County did not file its Petition until October 9, 2019. Because the Petition does not meet the requirements of Section 1.106(f), we must dismiss it as untimely.⁴

3. If the County desires to continue operating under the parameters formerly set forth under call sign WRAF455, it must file a new, properly coordinated application. In addition, if the County needs to operate while the application is pending with the Commission, it must immediately file a request 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 amended, 47 U.S.C. § 405(a), that the Petition for Reconsideration filed by the County of Sarasota on October 9, 2019, IS DISMISSED.

¹ See Auto Termination Letter, Reference Number: 654881 (dated Sep. 4, 2019) (Auto Termination Letter). As a condition of its authorization, the Commission's rules required the County to construct its station, Call Sign WRAF455, by Jul. 31, 2019. 47 CFR § 1.946.

² Petition for Reconsideration filed October 9, 2019 by the County of Sarasota (Petition).

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.

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