

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

In the Matter of)
Virginia Department of Forestry)
Petition for Reconsideration)

ORDER

Adopted: May 27, 2020

Released: May 27, 2020

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

I. INTRODUCTION

1. On May 30, 2019 the Virginia Department of Forestry (Virginia) filed a Petition for Reconsideration (Petition) of the Commission’s notice terminating Virginia’s license to operate on frequency 159.1275 MHz under call sign WQMJ766 at Location 1, the Bull Mountain site, and asking for an extension of the construction deadline to December 31, 2019.1 We deny the Petition.

II. DISCUSSION

2. The construction deadline for call sign WQMJ766 was April 24, 2019.2 On February 16, 2019, the Commission’s Universal Licensing System (ULS) sent a construction reminder to Virginia advising it of the pending construction deadline.3 On May 29, 2019, ULS issued Virginia a letter advising it that the construction deadline had passed and that the license was in termination pending status.4 On May 30, 2019, Virginia filed the instant Petition.5

3. Pursuant to Section 1.106(p)(1) of the Commission’s rules, the Bureau may deny petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration.6 In this case, Virginia has failed to identify any error or other basis for reconsideration. To the contrary, Virginia concedes that it did not file a timely construction notice and fails to provide any

1 See Commonwealth of Virginia, Request for Construction Extension (May 30, 2019) (Petition).

2 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.”). See also 47 CFR § 1.955(a)(2) (“Authorizations automatically terminate (in whole or in part as set forth in the service rules), without specific Commission action, if the licensee fails to meet applicable construction or coverage requirements.”) and § 90.155(a) (“All stations authorized under this part . . . must be placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically and must be returned to the Commission.”).

3 See Construction/Coverage Deadline Reminder Notice, Reference No. 6457116 (dated Feb. 16, 2019).

4 See Construction/Coverage Deadline, Notice of Termination Pending Status, Reference No. 6497478 (dated May 29, 2019).

5 See Petition at 1.

6 See 47 CFR § 1.106(p)(1).

documentation to explain why it could not meet its construction deadline.⁷ In the absence of any showing that reconsideration is warranted, we deny the Petition.

4. Because we deny Virginia's Petition, we dismiss its request for an extension of the construction deadline as moot. However, Virginia may file a new, properly coordinated application if it desires to use its previously licensed frequency. In addition, if Virginia 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.⁸

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 Sections 1.106 of the Commission's rules, 47 CFR § 1.106, that the Petition for Reconsideration filed May 30, 2019, by the Commonwealth of Virginia, Virginia, IS DENIED and the request for an extension of the construction deadline IS DISMISSED AS MOOT.

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

⁷ See e-mail dated July 29, 2019 from Larry Hall, Virginia Department of State Police to Roberto Mussenden, Public Safety and Homeland Security Bureau, Federal Communications Commission.

⁸ See 47 CFR § 1.931.