

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

In the Matter of)	
)	
City of Tolleson, Arizona)	Call Signs WQNR258 and WRCL874
)	
Petitions for Reconsideration)	

MEMORANDUM OPINION AND ORDER

Adopted: January 13, 2021**Released: January 13, 2021**

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

I. INTRODUCTION

1. On August 17, 2020, the City of Tolleson (Tolleson) filed Petitions for Reconsideration (Petitions) concerning the termination of its licenses, or portions thereof, call sign WQNR258 (path 2 frequency 23,275 MHz) and call sign WRCL874, (all paths) for failure to timely construct.¹ For the reasons stated below, we deny the Petitions.

II. BACKGROUND

2. On February 4, 2020, the Commission's Universal Licensing System (ULS) sent two construction/coverage reminders to alert Tolleson of the pending May 4, 2020 construction deadline for the captioned licenses. Pursuant to section 1.946(d) of the Commission's rules, Tolleson was required to file a construction notification with the Commission within 15 days of completion of construction. The Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau, however, tolled construction deadlines for 60-days on April 15, 2020 for licensees with construction deadlines between March 15, 2020, through and including May 15, 2020, thus making July 4, 2020 the date for Tolleson to complete construction and July 19, 2020 the date by which Tolleson was required to file a construction notification.² Tolleson neither filed construction notifications for call sign WQNR258 path 2 or for call sign WRCL874, nor did it request timely extensions of the construction/coverage period.³ Accordingly, on August 12, 2020 ULS issued a letter advising Tolleson that the construction and notification deadlines had passed and that the licenses were in termination pending status.⁴ On August 17, 2020, Tolleson timely filed the instant Petitions.⁵

¹ Petitions for Reconsideration filed August 17, 2020 by the City of Tolleson (Petitions).

² See 47 CFR § 1.946(d). On Apr. 15, 2020, the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau, in response to the COVID-19 pandemic, extended construction deadlines by 60 days for licensees with construction deadlines between Mar. 15, 2020 and May 15, 2020. Thus, Tolleson's original May 4, 2020 construction deadline became July 4, 2020 and the date by which Tolleson was required to file a construction notification became July 19, 2020. See *Waiver of FCC Rule Sections 1.946 (c) and (d) for Wireless Site-based and Mobile-only System*, Order, 35 FCC Rcd. 3536 (WTB PSHSB 2020).

³ See 47 CFR § 1.946(e).

⁴ See Auto Termination Letter for WQNR258 (dated Aug. 12, 2020) and Auto Termination Letter for WRCL874 (dated Aug. 12, 2020) (Auto Termination Letters). As a condition of its authorization, the Commission's rules required Tolleson to construct call signs WQNR528 and WRCL874 within 18 months. See 47 CFR §§ 1.946, 101.63(a); but see *supra* note 3 (60-day construction deadline extension).

⁵ See Petitions.

III. DISCUSSION

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 Tolleson has not provided any documentation to explain why it could not meet its construction deadlines, but instead states that it placed the stations in operation after the construction deadline on August 6, 2020.⁷ In the absence of any showing that reconsideration is warranted, we deny the Petitions. However, Tolleson may file new, properly coordinated applications if it desires to use its previously licensed frequencies. In addition, if Tolleson 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

IV. ORDERING CLAUSES

4. Accordingly, IT IS ORDERED, that, 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), and section 1.106 of the Commission's Rules, 47 CFR § 1.106, the Petitions for Reconsideration filed by the City of Tolleson on August 17, 2020 ARE DENIED.

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

⁶ See 47 CFR § 1.106(p)(1).

⁷ See Petitions ("This construction was completed on August 6, 2020.").

⁸ See 47 CFR § 1.931.