



FEDERAL COMMUNICATIONS COMMISSION
Wireless Telecommunications Bureau
445 12th Street, S.W.
Washington, D.C. 20554

January 12, 2010

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND FACSIMILE AT (787) 620-6777

Gladys A. Maldonado, Esq.
Quinones and Sanchez PSC
33 Resolucion Street, Suite 701
Doral Bank Plaza
San Juan, PR 00920

Adolfo Montenegro, President
AST Telecom, LLC d/b/a BlueSky Communications
478 Laufou Shopping Center
Pago Pago, AS 96799

Re: AST Telecom, LLC, Auction 78 Form 601
Application for Advanced Wireless Service
(AWS) Licenses, File No. 0003573444; Form
602, File No. 0003573415

Dear Ms. Maldonado and Mr. Montenegro:

This letter addresses AST Telecom, LLC's (AST Telecom's) January 8, 2010 request for additional time¹ to respond to a December 16, 2009 letter from the Broadband Division of the Wireless Telecommunication Bureau (Broadband Division)² regarding AST Telecom's application for two Advanced Wireless Service (AWS) licenses.³ As discussed below, we grant the Extension Request and require that AST Telecom respond to the Division Letter no later than January 29, 2010.

¹ AST Telecom, LLC, Motion for Extension of Time (Jan. 8, 2010) ("Motion"). The Motion was filed in the Commission's Universal Licensing System (ULS) under File No. 0003573444. The Motion had an incorrect file number of "SCL-T/C-2009____." See Motion at 1 (underscore from original).

² Letter from Blaise A. Scinto, Chief, Broadband Division, Wireless Telecommunications Bureau, FCC, to Gladys A Maldonado, Esq., Quinones and Sanchez, PSC, dated Dec. 16, 2009 (Division Letter).

³ See File No. 0003573444 (filed Sept. 9, 2008; amended May 18, 2009) (FCC Form 601 or Application); see also File No. 0003573415 (filed Sep. 9, 2008) (FCC Form 602).

On January 8, 2010, AST Telecom filed the instant Motion,⁴ in which it states that “[d]ue to the holiday period, most of the persons that would be involved in preparing the filings requested by the Commission have been on vacation and therefore we will be unable to comply with the thirty (30) day term provided in the December 16th letter.”⁵ AST Telecom also notes that it did not receive the certified letter until December 21, 2009 and that the copy sent via FAX was not received because the FAX number previously provided by AST Telecom is no longer in service.⁶ AST Telecom states that the brief extension of time that it requests will not adversely affect the Commission’s proceeding or third parties.⁷

A motion for an extension of time is governed by Section 1.46 of the Commission’s Rules,⁸ and it is the policy of the Commission that extensions of time shall not be routinely granted.⁹ In this instance, AST Telecom has been aware of the need to provide the Commission with updated, accurate and complete information concerning its application, and has an affirmative obligation to inform the Commission of material changes in the application.¹⁰ In such light, we do not find the argument that intervening holidays¹¹ and staff vacations warrant an extension of time particularly persuasive. We are likewise unsympathetic to the Applicant’s claims not to have received the Division Letter via FAX due to an outdated FAX number,¹² given that the Applicant is responsible for ensuring that the contact information it provides to the Commission remains current.¹³

⁴ AST Telecom emailed Commission staff with respect to seeking an extension of time on December 31, 2009. See Email from Gladys A Maldonado, Esq., Quinones and Sanchez, PSC, to Blaise A. Scinto, Chief, Broadband Division, Wireless Telecommunications Bureau, FCC, dated Dec. 31, 2009. Commission staff directed AST Telecom to file the instant request in ULS. AST Telecom properly filed the instant request in ULS on January 8, 2010.

⁵ Motion at 1.

⁶ Motion at 1. AST Telecom notes that it “will file the corresponding change of address to ensure that future facsimiles be directed to 787-620-6777.” *Id.*

⁷ Motion at 2.

⁸ 47 C.F.R. § 1.46.

⁹ 47 C.F.R. § 1.46(a).

¹⁰ See Division Letter at 5-6 (*citing* 47 C.F.R. §§ 1.65(a); 1.17; 1.934(c)). We also note that the Commission recently emphasized the importance of an applicant promptly furnishing additional or corrected information in amending 47 C.F.R. § 1.65(a) to require that such modifications shall be made within five business days. See Procedural Amendments to Commission Part 1 Competitive Bidding Rules, *Memorandum Opinion and Order*, WT Docket 10-14 (rel. Jan. 7, 2010).

¹¹ See Motion at 1. The extent to which an intervening holiday would affect the computation of time for filing purposes is set-forth in 47 C.F.R. §1.4.

¹² See Motion at 2. The Division Letter was sent certified mail, return receipt requested, and via FAX.

¹³ See 47 C.F.R. §§ 1.65(a), 1.5, 1.911.

Nevertheless, because the additional information will provide the Division with a more fully developed record upon which to base its further actions, we will grant AST Telecom until January 29, 2010 to comply with the Division Letter. In so doing, we emphasize that we are only herein granting a limited extension of the deadline established in the Division Letter.¹⁴

Sincerely,

Blaise A. Scinto
Chief, Broadband Division
Wireless Telecommunications Bureau

¹⁴ We are not otherwise granting a waiver of or an extension of time in which to comply with the Commission's rules or procedures. *See* Division Letter at n.33. As we noted in the Division Letter, the Applicant remains subject to all applicable Commission rules and procedures, and the Commission may take any appropriate action if it determines that the Applicant has failed to comply with the Commission's rules and procedures. *See id.*