

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

In the Matter of)
)
HOUSTON 936 SMR, INC.)
)
Request for Waiver of Construction Requirement)
For 900 MHz MTA License,)
Call Sign KNNY 252, Houston, Texas)
)

MEMORANDUM OPINION AND ORDER

Adopted: January 16, 2001

Released: January 23, 2001

By the Commission:

1. The Commission has before it an Application for Review, filed on September 30, 1999, by Houston 936 SMR, Inc. (Houston).¹ Houston seeks review of an order by the Chief, Policy and Rules Branch (Branch), Commercial Wireless Division, Wireless Telecommunications Bureau denying Houston's Request for Waiver of Construction Requirement For 900 MHz MTA License, Call Sign KNNY 252, Houston, Texas.²

2. Houston presents no new arguments in its Application for Review, and we see nothing in the arguments Houston has made that would lead us to change the Branch's decision. We note that since it filed its request with the Branch for extension of the three-year buildout deadline, Houston has elected to provide "substantial service" at the five-year mark, thus obviating the need for the extension of the earlier deadline. To the extent that Houston also sought an extension by the Branch of its five-year deadline, which falls on August 12, 2001, we conclude that Houston failed to show that compliance with the requirement is impracticable or that a waiver would otherwise be in the public interest. We therefore affirm the Branch's decision for the reasons stated therein.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act, as amended, 47 U.S.C. § 155(c)(5), and Section 1.115(g) of the Commission's rules, 47 C.F.R. § 1.115(g), the Application for Review filed by Houston 936 SMR, Inc. on September 30, 1999, in the above-captioned proceeding IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

¹ Application for Review of Houston 936 SMR, Inc., filed September 30, 1999.

² See In the Matter of Houston 936 SMR, Inc., *Memorandum Opinion and Order*, 15 FCC Rcd. 6722 (WTB 1999).