



Federal Communications Commission
Washington, D.C. 20554

September 12, 2011

DA 11-1530

Shawn Lange
Radio Administrator
Texas Parks and Wildlife Department
4200 Smith School Rd.
Austin, TX 78744

Re: Petition for Reconsideration
Call Sign: KBF545
File No. 0004650984

Dear Mr. Lange:

I am writing in response to your email of June 27, 2011,¹ sent on behalf of the State of Texas (Texas), seeking reconsideration of the Commission's grant-in-part of Texas' license for call sign KBF545. Because Texas did not submit the required frequency coordination with its license renewal/modification for call sign KBF545, we deny its petition for reconsideration. Texas may, however, re-file for a license modification with the required frequency coordination.

Texas submitted a license renewal/modification for call sign KBF545 on March 14, 2011. By accompanying document, Texas explained: "The coordinates for this location were changed to reflect a more accurate location and to match the ASR of the support structure. This station has **not** be [sic] moved."² On June 2, 2011, the Policy Division of the Public Safety and Homeland Security Bureau granted Texas' renewal application in part.³ However, the Division noted that "[m]odifications indicated at location 1 require new frequency coordination."⁴ In your email of June 27, 2011, you reiterated the facts submitted on March 14, 2011, and also sought reconsideration of the Division's grant-in-part of the license, asking for "a full granted status of this call sign without the need for frequency coordination."⁵

The Division did not err when it granted in part Texas' application for renewal/modification. Section 90.135(b) of the Commission's rules requires that "[u]nless specifically exempted in § 90.175, licensees must submit a Form 601 application for modification to the applicable frequency coordinator for any change listed in § 1.929(c)(4) of this chapter."⁶ Section 1.929(c)(4)(v) of the Commission's rules

¹ See emailed "Reconsideration Justification" available at <https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp;ATTACHMENTS=fHnkTL2GRPYlm1rcB8vJyWTNkQR2CLMnZfJypbTLcLhJLYR7QptQ!-2126560843!-979094396?applType=search&fileKey=845914304&attachmentKey=18747889&attachmentInd=applAttach>

² "Explanation of coordinate change," available at <http://wireless2.fcc.gov/UlsApp/ApplicationSearch/applAdmin.jsp?applID=6048174#> (emphasis in original).

³ Notice of Authorization Grant in Part (dated June 3, 2010) available at <http://wireless2.fcc.gov/UlsApp/ApplicationSearch/applAdmin.jsp?applID=6048174>.

⁴ *Id.*

⁵ Available at <http://wireless2.fcc.gov/UlsApp/ApplicationSearch/applAdmin.jsp?applID=6048174#>.

⁶ 47 C.F.R. § 90.135(b).

includes “[c]hanges in the authorized location ... of base stations.”⁷ Because a change in the licensed coordinates for Texas’ base station, even to correct an error in the original licensed coordinates, constitutes a change in the base station’s authorized location, the Division correctly determined that Texas’ application with respect to the request for license modification was defective because it lacked the requisite frequency coordination. We recommend that Texas re-file for a license modification with the required frequency coordination.

Accordingly, by this Order, pursuant to Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r); and Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, we hereby DENY the State of Texas’ petition for reconsideration.

We take this action pursuant to delegated authority under sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Beers,
Chief, Policy Division
Public Safety and Homeland Security Bureau

⁷ 47 C.F.R. § 1.929(c)(4)(v).