



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

September 28, 2015

DA 15-1073

Michael Boyd, Chief
City of Somers Point
1 W New Jersey Avenue
Somers Point, NJ 08244

In re: City of Somers Point
Station KEB428

Dear Mr. Boyd:

On June 11, 2015, Michael V. Cottrell filed a Petition for Reconsideration on behalf of the City of Somers Point (Somers Point)¹ in response to the placement of the authorization for Location 3 of Station KEB428 to operate on frequency 155.625 MHz in “Termination Pending” status. For the reasons stated below, we deny the Petition and update the Commission’s records to reflect that the authorization for Location 3 of Station KEB428 to operate on frequency 155.625 MHz has terminated.

We granted Somers Point authorization to construct Location 3 of Station KEB428 for operation on frequency 155.625 MHz on April 28, 2014.² The Commission’s rules required construction to be completed on or before April 28, 2015.³ On January 27, 2015, we sent Somers Point a reminder notice indicating that it must file FCC Form 601 Main Form & Schedule K no later than 15 days from the construction deadline or the authorization in question would terminate automatically.⁴ On June 3, 2015, we sent Somers Point a notice informing it that the Commission had not received the Required Notification of Construction or a Request for an Extension of Time, and thus the frequency was placed in “Termination Pending” status.⁵

The Petition states that Somers Point is “in the process of constructing a repeater radio tower for call sign KEB428” and “hopes [the Commission] will consider renewing [Somers Points’] construction application.”⁶

¹ Petition for Reconsideration (filed June 11, 2015) (Petition).

² See File No. 0006246917 (granted April 28, 2014).

³ See 47 C.F.R. § 90.155(a) (“[S]tations 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.”).

⁴ Construction/Coverage Deadline Reminder Notice, Reference No. 5936693 (dated Jan. 27, 2015).

⁵ Construction/Coverage Deadline Notice of License Termination Pending Status, Reference No. 6006590 (dated June 3, 2015). See also Public Safety and Homeland Security Bureau Site Based Licenses Termination Pending Public Notice, *Public Notice*, Report No. 10551 at 2 (rel. June 3, 2015).

⁶ Petition.

Somers Point has not provided any facts or argument that merit the granting of its Petition. Section 1.946(c) of the Commission's rules provides that a licensee that fails to commence service or operations by the expiration of its construction period will have its authorization terminated automatically on the date the construction period expires.⁷ In reporting that the required construction remains ongoing, Somers Point confirms that it has failed to commence operations before the construction period's expiration. Thus, by operation of the Commission's Rule, the authorization for Location 3 of Station KEB428 to operate on frequency 155.625 MHz terminated on April 28, 2015. To the extent that the Petition seeks an extension of time to complete construction, such requests were also required to be filed before the construction period's expiration.⁸ The Petition must therefore be denied.

If Somers Point has completed construction of the facility and the circumstances require its immediate operation, we will consider requests for Special Temporary Authority pursuant to Section 1.931 of the Commission's rules in order to allow the facility to operate pending the filing of an application for a new authorization.⁹

Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and Sections 1.946 and 90.155 of the Commission's rules, 47 C.F.R. §§ 1.946, 90.155 the Petition for Reconsideration filed by the City of Somers Point on June 11, 2015 IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Sincerely,



Zenji Nakazawa
Deputy Chief, Policy and Licensing Division
Public Safety and Homeland Security Bureau

cc: Peggy E. Khoury

⁷ 47 C.F.R. § 1.946(c).

⁸ 47 C.F.R. § 1.946(e).

⁹ See 47 C.F.R. § 1.931.