

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communication Commission
Bureau / Office

In the Matter of

AEGEUS Corp.
Licensee of Experimental License
WD2XMG

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FCC File No. 0175-EX-PL-2004

To: Julius Knapp, Deputy Chief
Office of Engineering and Technology

PETITION FOR RECONSIDERATION

Aegeus Corporation ("Aegeus") through counsel and pursuant to Section 1.106 of the Commission's Rules, 47 C.F.R. §1.106, hereby respectfully submits the following Petition for Reconsideration regarding the Commission's grant of Aegeus call sign WD2XMG.

In August of 2004, Aegeus filed with the Commission a completed FCC Form 442, requesting authorization for an experimental license. As part of the application, Aegeus filed an attachment (one of several attachments supplied to support the filing). The attachment included a list of transmitter locations for which Aegeus proposed to operate on an experimental basis.¹

On November 15, 2004, the Commission sent an email to counsel for Aegeus requesting a more detailed explanation of the testing being proposed. Further, the Commission requested an expanded confidentiality statement. Finally, the Commission's e-mail indicated that the application only indicated a single transmitter location in Akron, OH. The Commission's e-mail requested information as to whether there were more locations to be considered and, if so, Aegeus should

¹ The methodology of requesting the transmitter sites via an attachment was performed pursuant to conversations with the Commission's staff, which stated that the Commission's Universal Licensing System for experimental

amend its application. In a subsequent conversation with a representative from the Commission's Office of Engineering and Technology ("OET"), the Commission's staff indicated that it was now the Commission's understanding that the additional locations were indicated in the original application attachment.

Subsequently, the Aegeus application was processed by OET and sent to NTIA for approval. (as the spectrum requested by Aegeus is utilized by governmental entities on a shared basis). On December 28, 2004, NTIA approved the application. The Commission granted the application on January 10, 2005 under FCC Call Sign WD2XMG.

Upon review of the granted authorization, it was discovered that the Akron transmitter site was the only transmitter site granted (fifteen sites had been identified on the attachment to the original filing). OET Staff and counsel to Aegeus have engaged in discussions regarding the Commission's failure to grant all of the requested transmitter sites. During these discussions, it was discovered that the Commission had failed to properly load the transmitter site information into the Commission's application system.

As the Commission failed to properly process the Aegeus application, Aegeus is unable to conduct its experiments with its new, innovative technology. Therefore, Aegeus respectfully requests that the Commission reconsider its action granting the application, and reissue the grant with the complete complement of transmitter sites.²

applications was unable to accommodate multiple transmitter sites.

² Out of an abundance of caution, Aegeus has also filed a modification application for the granted authorization. See, FCC File No. 0020-EX-ML-2005.

WHEREFORE, the premises considered, it is respectfully requested that the Commission reconsider its grant of call sign WD2XMG and reissue the license for WD2XMG for the all fifteen (15) sites requested.

Respectfully submitted,

AEGEUS CORPORATION

By: 
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