

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Application for Renewal of	)	Call Sign WE2XCL
Radio Station License by	)	ELS File No. 0222-EX-RR-2012
ReconRobotics, Inc.	)	Reference No. 17440

To: Office of Engineering & Technology

Amendment to Application

ReconRobotics, Inc., applicant for the above captioned renewal, pursuant to Section 5.67 of the Commission's rules, hereby amends its application which was assigned ELS File No. 0222-EX-RR-2012. The instant amendment is submitted in order to associate a request for exception with the renewal application, as permitted pursuant to Section 5.65(c)(2) of the Commission's rules. Upon grant of the exception, the renewal application can proceed and, in turn, the subject license may be renewed.

Authority to Amend. ReconRobotics submitted its renewal application for Call Sign WE2XCL on July 6, 2012. Section 5.67 of the Commission's rules authorizes applicants to amend any application prior to its grant.¹ Pursuant to Section 5.67, ReconRobotics hereby amends its application and submits the foregoing request for exception.

Authority to Seek Exception. On July 9, 2012, the Experimental Licensing Branch (the "Branch") notified ReconRobotics that its application was in conflict with one of the

¹ The Commission directs, at 47 C.F.R. §5.67(a), that "[a]ny application may be amended or dismissed without prejudice upon request of the applicant *prior to the time the application is granted.*" (emphasis added).

Commission's rules. Section 5.65(c)(2) authorizes applicants to seek an exception to any rule with which the application is in conflict.²

ReconRobotics respectfully submits that an exception is appropriate in this instance and that the captioned application should be approved in due course. The application is a Form FCC 405, Application for Renewal of Radio Station License. The Branch advised ReconRobotics that the Form FCC 405 was submitted fewer than 60 days prior to the expiration of the subject license and therefore was in conflict with Section 5.59(c) of the Commission's rules. However, the Branch has not required compliance with a 60-day requirement in multiple previous instances both with regard to ReconRobotics and, even very recently, with regard to applicants in general. ReconRobotics respectfully submits that an exception to the 60-day requirement is appropriate in light of precedent set by the Branch, as well as to promote continued developmental research on safety-of-life equipment being conducted under the license.³

The Branch initially granted the subject license on May 17, 2007, with an expiration date of June 1, 2009 (see ELS File No. 0056-EX-PL-2007). ReconRobotics submitted its first renewal application on Form FCC 405 less than 60 days prior to the license's expiration date. The Branch granted the first renewal application (see ELS File No. 0090-EX-RR-2009).⁴ Approximately two years later, ReconRobotics filed a second renewal application for this license and, similarly to the

² The rules provide, at Section 5.65(c), that a non-conforming application will be considered defective unless it is accompanied by (1) a petition to amend a rule, regulation or requirement or "(2) a request of the applicant for waiver of, or an exception to any rule, regulation, or requirement with which the application is in conflict."

³ The subject license is an integral part of research, development and testing of equipment used by emergency responders. For details see *ReconRobotics, Inc., Request for Waiver of Part 90 of the Commission's Rules*, Order, 25 FCC Rcd 1782 (WTB/PSHSB 2010).

⁴ The subject license was modified twice. The most recent expiration date was July 7, 2012 (see ELS File Nos. 0124-EX-ML-2009 and 0041-EX-ML-2010).

first renewal, filed it less than 60 days prior to the license's expiration date. However, the Branch is treating the second renewal application inconsistently with its own precedent set by the first renewal application by imposing the 60-day rule, and likewise inconsistently with its treatment of more recent renewal applications from other licensees. ReconRobotics respectfully submits that an exception to the 60-day rule is appropriate in this instance in order to consistently process its applications as well as to encourage experimental work under the license. Moreover, granting an exception in this instance will place this applicant on unbiased and equal footing with other similarly situated licensees.

CONCLUSION

Considering that important, life protecting experimentation and testing has occurred under the subject license, and that granting an exception in this instance will allow ReconRobotics to be treated in the same manner as other similarly situated applicants, ReconRobotics respectfully submits that it is appropriate to grant an exception to the 60-day rule and permit the renewal application to be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raymond Quianzon', written in a cursive style.

Raymond Quianzon
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Certification: Andrew Drenner, Authorized Representative of ReconRobotics, Inc.