

PETITION FOR REINSTATEMENT AND RENEWAL OF LICENSE

BFI Licenses, LLC (“BFI”), pursuant to Section 25.163(a) of the Commission’s Rules, hereby petitions the FCC for reinstatement and renewal of its Stamford, Connecticut fixed satellite earth station license under Call Sign E4730 (the “License”). Section 25.163(a) provides for reinstatement of an expired authorization within 30-days after expiration “if the Commission, in its discretion, determines that reinstatement would best serve the public interest, convenience and necessity.”¹

The License was most recently renewed in 2002 with an expiration date of September 3, 2017.² Due to an administrative oversight occasioned, in part, by significant disruptions to company operations occasioned by Hurricanes Harvey and Irma, BFI overlooked the need to file a renewal application for the License, and did not timely submit the necessary application prior to the License’s expiration. Upon discovering that the expiration date had passed last week, BFI immediately instructed FCC counsel to begin preparation of the instant renewal application.

The *de minimis* delay in submitting the renewal application – merely ten days after expiration, and well within the 30 days provided for under Section 25.163(a)(1) – will have no negative impact on any other FCC-licensee or entity, as the earth station in question, originally licensed in 1982, has been operational for more than three decades. Rather, denying the petition to reinstate would harm BFI’s ongoing operations, which provide a variety of uplink and production services to broadcasters, cable networks, government agencies and others throughout the country. The earth station covered by the License is an integral component of BFI’s Stamford facility, and its loss would negatively impact its operational capabilities and impair its service to its customers.

BFI has implemented internal monitoring procedures consistent with Section 25.163(a)(3) of the Commission’s Rules to ensure that future renewal applications are timely filed. In particular, the company is in the process of implementing an improved internal tracking and calendaring system that will alert it to all license expirations ninety (90) days in advance of the expiration date, and thus sixty (60) days in advance of the deadline for renewal applications. This system should avoid future recurrence of the need to petition for reinstatement of expired licenses.

¹ 47 C.F.R. § 25.163(a).

² See FCC File No. SES-RWL-20020806-01262 (granted 8/08/2002). The license was later modified in FCC File No. SES-MOD-20040302-00314 (granted 4/15/2004), which is the existing authorization.

To the extent required, BFI also requests waivers of Sections 25.121(e) and 25.161(b) of the Commission's Rules.³ Section 25.121(e) requires that renewal applications must be filed no later than 30 days before the expiration of the license.⁴ Section 25.161(b) of the Commission's rules further provides that an earth station license will automatically terminate on its expiration date unless an application to renew the license has been timely filed.⁵ The Commission may waive its rules when good cause is shown.⁶ Based on the foregoing showing and the fact that reinstatement is fully consistent with the separate reinstatement requirements of Section 25.163, such waiver is appropriate in this instance to the extent that it is required.

Grant of this petition to reinstate is therefore fully consistent with the license reinstatement provisions of Section 25.163 of the Rules, Commission precedent governing late-filed satellite earth station renewals under that rule,⁷ and the Commission's general practice with respect to other Title III licenses of providing a thirty day "grace period" when the deadline for filing a renewal application is inadvertently missed and the "denial of the renewal application and termination of the licensee's operations would be too harsh a result in proportion to the nature of the violation."⁸ Accordingly, grant of the requested relief would best serve the public interest, convenience, and necessity.

³ See 47 C.F.R. § 1.3.

⁴ See 47 C.F.R. §25.121(e).

⁵ See 47 C.F.R. §25.161(b). BFI is filing contemporaneously with this application a request for Special Temporary Authority to permit continued operation of the earth station as of September 3, 2017 for a period of up to sixty (60) days, while this reinstatement and renewal application is pending.

⁶ *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*"); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) ("*WAIT Radio*").

⁷ See, e.g., High Plains Broadcasting License Company LLC, SES-RWL-20090818-01022 (granted August 24, 2009) (granting renewal application filed three weeks after the license expiration date for Call Sign E890633).

⁸ FCC Public Notice, *Waiver Requests Required for Late-Filed Renewal Application in Most Wireless Services*, 18 FCC Rcd 16703 (August 22, 2003).