

PETITION FOR REINSTATEMENT AND RENEWAL OF LICENSE

BFI Licenses, LLC (“BFI”) hereby petitions the FCC for reinstatement and renewal of its Lino Lakes, Minnesota fixed satellite earth station license under Call Sign E4394 (the “License”). The License was most recently renewed in 2002 with an expiration date of July 16, 2017.¹ Due to an administrative recordkeeping mistake, BFI overlooked the deadline to file a renewal application for the License, and did not timely submit the necessary application prior to the License’s expiration in July. Upon discovering last week that the expiration date had passed, BFI immediately instructed FCC counsel to begin preparation of the instant renewal application.

Section 25.121(e) of the Commission’s Rules requires that renewal applications must be filed no later than 30 days *before* the expiration of the license.² 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.³ While Section 25.163(a) of the Rules provides for reinstatement of an expired authorization, it applies only within 30-days after the expiration date “if the Commission, in its discretion, determines that reinstatement would best serve the public interest, convenience and necessity.”⁴

The Commission, however, may waive its rules in its discretion when good cause is shown.⁵ Accordingly, BFI requests herein waivers of each of the foregoing rules, to the extent necessary, to allow acceptance of its renewal application after the time period established for such filings under Section 25.121(e), to reinstate the License that otherwise would have expired under its own terms, as provided for under Section 25.161(b), and to allow it to make the showing that “reinstatement would best serve the public interest, convenience and necessity” outside the thirty-day, post-expiration time-frame provided for under Section 25.163(a) of the Commission’s Rules. As detailed below, such rule waivers are appropriate under the circumstances and will better serve the public interest, convenience and necessity than strict application of these regulations.

¹ See FCC File No. SES-RWL-20020712-01117 (granted 7/24/2002).

² See 47 C.F.R. §25.121(e).

³ 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 July 16, 2017 and for a period continuing up to sixty (60) days following grant, while this reinstatement and renewal application is pending.

⁴ See 47 C.F.R. §25.163(a).

⁵ See 47 C.F.R. § 1.3. See also *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)

Most importantly, the relatively short three-month period of time elapsed between the License expiration date and the filing of this renewal application will have no negative impact on any other FCC-licensee or entity or any member of the public. The earth station in question, originally licensed in 1982, has been operational for more than three decades, and is part of a substantial teleport facility that includes several other C-band antennas licensed to BFI (Call Signs E940299 and E940300). Denying the petition to reinstate would only harm BFI and its customers, which include broadcasters, cable networks, government agencies and others throughout the country. The earth station covered by the License is an integral component of BFI's Lino Lakes, Minnesota, facility, and its loss would negatively impact its operational capabilities and impair its provision of transmission and production services to these customers. Conversely, denial of the waiver request would not create any material beneficial opportunity for any other party as there are already multiple additional C-band antennas coordinated at the same site.

In addition, BFI has taken affirmative steps to avoid future failures to file timely renewal applications, implementing internal monitoring procedures that are consistent with the requirements of Section 25.163(a)(3) of the Commission's Rules. In particular, the company has implemented 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 an expired license.

Based on the foregoing, grant of this petition to reinstate and the underlying rule waivers is consistent with Commission precedent governing late-filed satellite earth station renewals,⁶ as well as the Commission's general practice with respect to other Title III licenses of providing some "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."⁷ Accordingly, grant of the requested relief would best serve the public interest, convenience, and necessity.

⁶ See, e.g., High Plains Broadcasting License Company LLC, SES-RWL-20090818-01022 (granted August 24, 2009).

⁷ FCC Public Notice, *Waiver Requests Required for Late-Filed Renewal Application in Most Wireless Services*, 18 FCC Rcd 16703 (August 22, 2003).