

**PETITION FOR REINSTATEMENT AND RENEWAL OF REGISTRATION**

Midcontinent Communications (“Midco”), pursuant to Section 25.163(a) of the Commission’s Rules, hereby petitions the FCC for reinstatement and renewal of its Cambridge, MN fixed satellite earth station registration under Call Sign E7752 (the “Registration”). 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.”<sup>1</sup>

The Midco Registration was most recently renewed in 2004 with an expiration date of November 30, 2019.<sup>2</sup> Due to an administrative oversight, Midco did not file a renewal application for the Registration within the filing window established by Section 25.121(e), a window that closed October 31, 2019. Upon discovering that the expiration date had passed earlier this week, Midco immediately contacted FCC counsel to begin preparation of the instant renewal application and reinstatement request.

The *de minimis* delay in submitting the renewal application – less than 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, FCC-registrant or other entity, as the earth station in question has been operational for more than three decades and is a receive-only antenna. Rather, denying the petition to reinstate would harm Midco’s ongoing operations. The earth station covered by the Registration is an integral component of Midco’s business, the loss or impairment of which would negatively impact its operational capabilities and potentially interfere with service to its customers who rely upon it for internet access and cable television services.

Midco also 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, Midco is in the process of implementing an improved internal tracking and calendaring system that will alert it to all license and registration expirations ninety (90) days in advance of the expiration date, and thus sixty (60) days in advance of the due date of the required renewal application. This system should avoid future recurrence of the need to petition for reinstatement of expired licenses or registrations.

To the extent required, Midco also requests waivers of Sections 25.121(e) and 25.161(b) of the Commission’s Rules.<sup>3</sup> Section 25.121(e) requires that renewal applications must be filed no later

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<sup>1</sup> 47 C.F.R. § 25.163(a).

<sup>2</sup> See FCC File No. SES-RWL-20041115-01685 (granted 12/01/2004).

<sup>3</sup> See 47 C.F.R. § 1.3.

than 30 days *before* expiration.<sup>4</sup> Section 25.161(b) of the Commission's rules further provides that an earth station authorization will automatically terminate on its expiration date unless an application to renew the authorization has been timely filed.<sup>5</sup> The Commission may waive its rules when good cause is shown.<sup>6</sup> 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 registration reinstatement provisions of Section 25.163 of the Rules, Commission precedent governing late-filed satellite earth station renewals under that rule,<sup>7</sup> and the Commission's general practice with respect to other Title III Registrations 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 or registrant's operations would be too harsh a result in proportion to the nature of the violation."<sup>8</sup> Accordingly, grant of the requested relief would best serve the public interest, convenience, and necessity.

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<sup>4</sup> See 47 C.F.R. §25.121(e).

<sup>5</sup> See 47 C.F.R. §25.161(b).

<sup>6</sup> *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*").

<sup>7</sup> See, e.g., Sinclair Broadcast Group, Inc., SES-RWL-20170818-00929 (granted Aug. 22, 2017) (granting renewal application filed less than a week after the license expiration date for Call Sign E020167); High Plains Broadcasting Registration Company LLC, SES-RWL-20090818-01022 (granted Aug. 24, 2009) (granting renewal application filed three weeks after the license expiration date for Call Sign E890633); Comcast of Virginia, Inc., SES-RWL-20070813-01083 (granted Aug. 20, 2007) (granting renewal of receive-only registration submitted almost four weeks after the expiration date for Call Sign E970368)

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