



Federal Communications Commission
Washington, D.C. 20554

October 22, 2002

DA 02-2771

Effingham County Middle School
Highway 119 South
Springfield, GA 31329

Re: Instructional Television Fixed Service Station
WLX599, Pembroke, GA

Dear Licensee:

This letter addresses the status of the construction permit issued to Effingham County Middle School (Effingham) for Instructional Television Fixed Service (ITFS) Station WLX599, Pembroke, GA. For the reasons stated below, we are deleting the permit for Station WLX599 from the Commission's licensing database, and dismissing your pending application for major modification of the facilities for Station WLX599. In addition we are dismissing as moot a petition to dismiss or deny the aforementioned modification application, which was filed by the Diocese of Savannah and Wireless Cable of Florida, Inc. ("Petitioners") on June 11, 1998.¹

The Commission's licensing records indicate that the underlying application for Station WLX599 was granted on July 24, 1992.² On September 14, 1995, Effingham filed an application for a major change to the construction permit.³ Subsequently, the Commission's Mass Media Bureau granted Effingham four extensions of time to complete construction of the authorized facilities. The last extension expired on January 17, 1997. Further, the Commission's licensing records do not reflect the filing of a request for further extension of time to construct Station WLX599 on or before January 17, 1997.

Section 73.3534(e) of the Commission's rules provides, "[a] construction permit for an Instructional Television Fixed station shall be declared forfeited if the station is not ready for operation within the time specified therein or within such further time as the FCC may have allowed for completion . . ."⁴ Further, as a condition of your license, you were required to timely file an application for license to cover construction permit upon the completion of station construction.⁵ Based on our review of the licensing records for Station WLX599, we hereby declare the station's construction permit forfeited as of January 17, 1997 due to Effingham's failure to request a further extension of its construction permit and

¹ Petition to Dismiss or Deny (filed by Petitioners on June 11, 1998) (Petition). Effingham and Wireless One, Inc. filed an opposition on July 6, 1998; a supplement was filed on July 7, 1998. Effingham and Wireless One, Inc. filed a reply on Aug. 6, 1998.

² File No. BPLIF-911223DH.

³ File No. BMPLIF-950914KD.

⁴ 47 C.F.R. § 73.3534(e).

⁵ 47 C.F.R. § 73.3536.

the apparent incompleteness of station construction and lack of operation on or before that date. Accordingly, we are directing the Division's Licensing and Technical Analysis Branch to dismiss Effingham's pending application for major modification of the construction permit for Station WLX599. As a result, we hereby dismiss the Petitioners' petition to dismiss or deny that modification application as moot.

Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 73.3534(a) of the Commission's Rules, 47 C.F.R. § 73.3534(a), that the license for ITFS Station WLX599, Pembroke, Georgia, is deemed forfeited as of January 17, 1997.

IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 73.3568 of the Commission's Rules, 47 C.F.R. § 73.3568, that the Licensing and Technical Analysis Branch shall DISMISS File No. BMPLIF-950914KD.

Finally, IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309 and Section 74.912 of the Commission's Rules, 47 C.F.R. § 74.912, that the Petition to Dismiss or Deny filed by the Diocese of Savannah and Wireless Cable of Florida, Inc. on June 11, 1998 is DISMISSED AS MOOT.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

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