



Federal Communications Commission
Washington, D.C. 20554

March 16, 2004

DA 04-721

Evans County School System
613 W. Main Street
Claxton, GA 30417

Re: Instructional Television Fixed Service Station
WLX698, Bloomingdale, GA

Dear Licensee:

This letter addresses the status of the construction permit issued to Evans County School System (Evans) for Instructional Television Fixed Service (ITFS) Station WLX698, Bloomingdale, GA. For the reasons stated below, we deem the construction permit forfeited. In addition, we are dismissing as moot petitions for reconsideration filed by Wireless Cable of Florida, Inc. (WCF) on September 25, 1996 and August 12, 1997.¹ In these petitions, WCF sought reconsideration of previously granted applications for extension of time to construct the aforementioned station.²

The Commission's licensing records indicate that the underlying application for Station WLX698 was originally granted on October 13, 1992.³ Subsequently, the Commission's former Mass Media Bureau granted Evans ten extensions of time to complete construction of the authorized facilities.⁴ The last extension expired on August 21, 2002.⁵ The Commission's licensing records do not reflect the filing of any request for any further extension of time to construct Station WLX698.

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"⁶ Further, as a condition of your construction permit, you were required to timely file an application for license to cover construction permit upon the completion of station construction.⁷ Based on our review of the licensing records for Station WLX698, we find that given Evans County's apparent failure complete construction of the station and to operate on or before August 21, 2002 and its failure to obtain

¹ Petition for Reconsideration filed by Petitioner on Sep. 25, 1996 (Petition). Evans filed an opposition on October 8, 1996 (Opposition). Two requests for additional time to respond to the Opposition were filed by Petitioner on Oct. 16, 1996 and Oct. 21, 1996. Petitioner filed a reply to opposition on Oct. 25, 1996. On Mar. 19, 1997, Petitioner filed an Informal Objection. Petitioner filed a Request for Reconsideration on Aug. 12, 1997 (Request). Evans filed an opposition to the Request on Feb. 23, 1998.

² File Nos. BEIF-19960523DF; BEIF-19970220DG.

³ File No. BPIF-19911223DT.

⁴ See Requests for Extensions of Time filed by Evans on diverse occasions between April 13, 1994 and January 18, 2002.

⁵ File No. BEIF-20020118AAC.

⁶ 47 C.F.R. § 73.3534(e).

⁷ 47 C.F.R. § 73.3536.

an extension beyond the August 21, 2002 expiration date for the station's construction permit, we hereby declare that the station's construction permit was forfeited as of August 21, 2002. We also hereby dismiss WCF's petition for reconsideration of that extension 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 WLX698, Bloomingdale, Georgia is DEEMED FORFEITED as of August 21, 2002.

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 for Reconsideration filed by Wireless Cable of Florida, Inc. on September 25, 1996 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

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