

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|   |   |                     |
|---|---|---------------------|
| In the Matter of                                | ) |                     |
|   | ) |                     |
| AGNES PENNINGTON                                | ) | WT Docket No. 02-55 |
|   | ) |                     |
| Licensee of Private Land Mobile Radio Stations, | ) |                     |
| Call Signs WQTF798, WPMQ450 and WPPX541         | ) |                     |

**ORDER**

**Adopted: May 1, 2014**

**Released: May 1, 2014**

By the Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

**I. INTRODUCTION**

1. Under consideration is a request for extension of time to submit a cost estimate for the rebanding of 800 MHz stations licensed to Agnes Pennington. The request is replicated below in its entirety:

Goodmorning, (sic)

I am officially requesting an extension for submitting costs for 800 MHz rebanding. I was recently involved in a lawsuit to split up my partnership with WPRI913. Everything was settled on October 4. Robert Schwaninger filed an Assignment of Authorization on November 12, 2013 and it has a pending file number of 0006004978.[<sup>1</sup>] Currently I only have a pending license.

Thank you in advance.

Agnes Pennington[<sup>2</sup>]

Subsequently, Ms. Pennington amended her request to include stations WPMQ450 and WPPX541, and represented that she would submit cost estimates for WPMQ450 and WPPX541 and the station then pending assignment (WPRI913) after the assignment application was granted.<sup>3</sup>

**II. DISCUSSION**

2. On January 10, 2014 the Public Safety and Homeland Security Bureau (Bureau) granted the assignment application, *supra*, and assigned Ms. Pennington a new call sign, WQTF798.<sup>4</sup>

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<sup>1</sup> Ms. Pennington misstated the file number. The correct file number was 0006004879 at the time Ms. Pennington requested an extension.

<sup>2</sup> Email from Agnes Pennington to FCC Mailbox PSHSB800, Nov. 18, 2013, 11:16 AM.

<sup>3</sup> Email from Agnes Pennington to FCC Mailbox PSHSB800, Nov. 18, 2013, 1:36 PM.

<sup>4</sup> See FCC File No. 0004616959 (Jan. 9, 2014). The assignment of call sign WQTF798 was consummated after the dismissal of FCC File No. 0006004879 (Nov. 12, 2013) for insufficient payment.

Notwithstanding Ms. Pennington's undertaking to submit a cost estimate after the assignment application was granted, she has failed to do so.

### III. DECISION

3. Section 1.46(a) of the Commission's rules states that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted."<sup>5</sup> The Bureau has emphasized that the "import of that rule is especially relevant to 800 MHz rebanding where delay in rebanding by one licensee can cause a 'domino effect' delay in the rebanding efforts of other licensees that have met the Commission's 800 MHz band reconfiguration deadlines with a consequent delay of the overall program. We therefore afford a high degree of scrutiny to the reasons licensees advance for extensions of time."<sup>6</sup>

4. Ms. Pennington's lack of diligence in filing a cost estimate for her 800 MHz systems cannot withstand the high scrutiny that we apply to requests for extension of time to submit cost estimates. Nearly four months have elapsed since the assignment application was granted. Ms. Pennington must file her reconfiguration cost estimate promptly and, in no event, later than 30 days from the release date of this *Order*, *i.e.*, June 2, 2014.<sup>7</sup>

### IV. ORDERING CLAUSE

5. Accordingly IT IS ORDERED that Agnes Pennington shall file a cost estimate for reconfiguration of her 800 MHz communications systems no later than June 2, 2014.

6. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm  
Deputy Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau

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<sup>5</sup> 47 C.F.R. § 1.46(a).

<sup>6</sup> Regents of the University of California, *Order*, 28 FCC Rcd 15920, 15921 (PSHSB 2013).

<sup>7</sup> Because the thirtieth day from the release of this Order falls on a weekend, the reconfiguration cost estimate shall be due on the next business day, June 2, 2014.