

Construction or Coverage Requirements and ULS Automated Termination Enhancement

Licensee's Responsibility

Most licensees authorized to operate wireless radio services must construct their systems or meet coverage requirements within a given time period (often referred to as the construction, coverage, or buildout deadline) and they must notify the Commission no more than 15 days after the buildout deadline that the applicable requirements have been met. The time periods for meeting the construction or coverage requirements vary depending on the radio service in which the license is held.

If a licensee fails to meet its construction requirements by the expiration of its construction period, or its coverage obligations by the expiration of its coverage period, its authorization terminates automatically, without specific Commission action, on the date the construction or coverage period expires. 47 C.F.R. § 1.946

ULS Automated Termination (Auto Term)

The Wireless Telecommunications Bureau has developed an automated feature in the Universal Licensing System (ULS) to identify licenses, locations and frequencies that are presumed to have failed to meet construction or coverage requirements and, as a result, have automatically terminated. If the licensee does not timely file a notice of construction or a request for extension of time, ULS presumes that the construction or coverage requirement was not met and ULS begins its automated termination process.

For more information on how to file a Notice of Construction or Request for Extension of Time, or for information on construction or coverage requirements by radio service, visit the web site at

<http://wireless.fcc.gov/licensing/const-req/>

Where Does Auto-Term Fit In?

The ULS Auto-Term process provides a licensee that has met its construction or coverage requirement, but failed to file its notification of construction, with additional notice and an opportunity to prevent termination of its license by submitting documentation that it has timely constructed. ULS Auto-Term was implemented on February 1, 2006, and applies on a prospective basis, i.e., only to those construction or coverage deadlines that fall on or after that date.

- ▶ Use the new buildout deadline search at <http://wireless2.fcc.gov/UlsApp/UlsSearch/searchLicense.jsp> to search on buildout deadlines within a given time frame. Search by FRN, licensee name and more!



How Does the Automated Termination Process Work?

ULS identifies licenses, locations or frequencies for which a notification of construction or a request for extension of the construction or coverage period has not been filed.

| | Buildout Deadline | Buildout Notification | ULS Auto Term | Petition for Reconsideration | Result |
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| Licensee | <p>The buildout deadline date is important for three reasons.</p> <p>First, it is the date by which the construction or coverage requirements must be met.</p> <p>Second, any Requests for Extension of Time to meet the requirements must be filed prior to the deadline.</p> <p>Third, it is the effective date of automatic termination.</p> | <p>A timely-filed Notification of Construction (Notification) must be filed no later than 15 days after the buildout deadline. A late-filed Notification, with a request for waiver, may be filed after the timely-filed period but before the Auto-Term process begins.</p> | | <p>The licensee has thirty (30) days from the date of the Public Notice to file a petition for reconsideration.</p> | |
| ULS | | | <p>Thirty (30) days after the deadline for the licenses, locations, or frequencies identified, ULS will generate a notice to the licensee at its official address of record in ULS announcing the pending termination of its license, location, or frequency and will list the pending termination in a weekly Public Notice.</p> | | <p>If the time period for filing a petition for reconsideration lapses and the licensee does not file a petition for reconsideration, the license, location or frequency automatically terminates effective as of the construction or coverage deadline. The license or frequencies are then available for the Commission to reassign.</p> |

Filing a Petition for Reconsideration

If a licensee meets its construction or coverage requirement but fails to notify the Commission as required, the licensee must file a petition for reconsideration (PFR) under the Auto-Term process, within 30 days of the weekly Public Notice, stating that it did timely meet its build-out requirements in order to prevent automatic termination of its license, locations or frequencies. The PFR must include the exact date on which the construction was completed or on which the coverage requirement was met. **A PFR may be filed electronically at <http://wireless.fcc.gov/uls/>.**

Because Auto-Term works on a prospective basis from February 1, 2006, licensees with build-out deadlines **prior** to that date that have timely met their construction or coverage requirements, but have not yet submitted their Construction Notification, should immediately file (1) an FCC Form 601, Main Form and Schedule K; and (2) a waiver request of the rule section that requires timely notification (usually Section 1.946) and provide the actual buildout date.

For more information or assistance, contact FCC Support at 1-877-480-3201 or visit <http://esupport.fcc.gov/>



Federal Communications Commission
Wireless Telecommunications Bureau
<http://wireless.fcc.gov>