

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

In the Matter of)
)
Janus Spectrum Group, LLC)
Station WQUX291)

ORDER

Adopted: November 7, 2016

Released: November 8, 2016

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* As set forth below, we conclude that the license for the above-captioned station (Station) licensed to Janus Spectrum Group, LLC (Janus) has automatically terminated for permanent discontinuance of operation. Consequently, we will modify the Commission's licensing records to reflect the cancellation of the license.

2. *Background.* Janus was granted a license for trunked 800 MHz Specialized Mobile Radio (SMR) Station WQUX291 on November 5, 2014.¹ Station WQUX291 is authorized to operate base stations on several frequencies at the following two locations: N5815 CTY U, Portage, Wisconsin and W5389 Fairview Road, Monticello, Wisconsin. On November 2, 2015, Janus filed a notification indicating that the station facilities had been constructed on October 15, 2015.²

3. On April 5, 2016, Smartcomm, LLC, filed a request for an informal investigation regarding the veracity of the construction notifications filed by Janus and other licensees.³ The request notes that the licensees applied for their respective licenses on the same day for the same two locations, and filed their construction notifications on the same day reporting the same construction date.⁴ The request includes a declaration from an employee of a Smartcomm affiliate, who stated that she performed a physical site inspection at both locations and observed no antennas mounted on towers at the authorized location and height, and that no building permits were filed with the county offices for either location.⁵ The declaration included photographs showing no antenna mounted at the Station's authorized location and height.

4. On August 5, 2016, the Enforcement Bureau's Spectrum Enforcement Division, acting pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁶ requested that Janus provide specified information concerning the construction and operational status of Station WQUX291

¹ See ULS File Nos. 0006500925.

² See FCC File Nos. 0007010104.

³ Request for Investigation and Informal Complaint, Spectrum 100, LLC, WQUX289; Northern Spectrum Advisors, LLC, WQUX290; Janus Spectrum Group, LLC, WQUX291; Western Spectrum Ventures, LLC, WQUX292; Eagle Group PMA, WQUX293; TD Spectrum, LLC, WQUX294 (filed Apr. 5, 2016).

⁴ See *id.* at 1.

⁵ See *id.*, Exhibit "Declaration of Sara Dople."

⁶ 47 U.S.C. § 308(b).

within thirty days.⁷ Because no response was received by the Commission, on October 6, 2015, the Wireless Telecommunications Bureau's Mobility Division sent a separate letter, stating that if Janus did not respond within ten days, the Mobility Division would conclude that the authorization had cancelled for failure to meet the pertinent construction or operational requirements.⁸ No response has been received.

5. *Discussion.* Section 90.631(f) of the Commission's rules provides that a license for trunked SMR station is not placed in permanent operation, in accordance with the licensed parameters, within one year of license grant; or if the facilities have discontinued operation for ninety continuous days (unless the licensee notifies the Commission prior to the end of the ninety-day period and provides a date on which operation will resume, which must not be in excess of thirty additional days).⁹ The information provided by Smartcomm is persuasive evidence that Janus's station is not constructed. In addition, Janus's failure to respond to either letter presumptively indicates that the station is not constructed or operational.¹⁰ We will update the Commission's Universal Licensing System to reflect the cancellation of the license for Stations WQUX291.

6. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 90.631(f) of the Commission's rules, 47 CFR § 90.631(f), the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WQUX291.

7. 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

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁷ Letter dated Aug. 5, 2016, from Bruce D. Jacobs, Chief, Spectrum Enforcement Division, Enforcement Bureau, to Daryl Bank, Janus Spectrum Group, LLC.

⁸ Letter dated Oct. 6, 2016, from Stana B. Kimball, Attorney-Advisor, Mobility Division, Wireless Telecommunications Bureau Bureau, to Daryl Bank, Janus Spectrum Group, LLC. The letter also was sent to the contact listed on the license.

⁹ 47 CFR § 90.631(f).

¹⁰ See, e.g., *Alliance Communications Group*, Order, 30 FCC Rcd 25, 26, para. 4 (WTB MD 2005).