

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

In re Application of	)	
	)	
<b>NAMELOC, INC.</b>	)	File No. BALH-20030319AEZ
(Assignor)	)	Facility ID No. 47309
	)	
and	)	
	)	
<b>ABC, INC.</b>	)	
(Assignee)	)	
	)	
for Assignment of License	)	
of Station KDIS-FM	)	
(formerly KYFX(FM)) <sup>1</sup>	)	
Little Rock, Arkansas	)	

**ORDER ON RECONSIDERATION**

**Adopted: April 9, 2012**

**Released: April 10, 2012**

By the Chief, Media Bureau:

1. The Media Bureau (the “Bureau”), pursuant to delegated authority,<sup>2</sup> has before it an October 30, 2008, Petition for Reconsideration (the “Petition”) filed by Nameloc, Inc. (“Nameloc”), former licensee of KDIS-FM, Little Rock, Arkansas (the “Station”).<sup>3</sup> Nameloc seeks reconsideration of a Commission decision issued on September 30, 2008,<sup>4</sup> denying Nameloc’s Application for Review and affirming the Bureau’s May 30, 2003, decision<sup>5</sup> granting the captioned application (“Application”) for Commission consent to the assignment of the Station’s license from Nameloc to ABC.<sup>6</sup> For the reasons discussed below, we dismiss the Petition.

2. *Background.* This case concerns a contractual dispute between Nameloc and ABC concerning the sale of the Station. In the *MO&O*, the Commission denied Nameloc’s Application for Review and affirmed the *Bureau Decision* granting the contested assignment application. In the Petition, Nameloc reiterates its claim that arguments raised in the Charles Petition and Lams Objection were not

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<sup>1</sup> On August 7, 2003, following consummation of the approved KYFX(FM) license assignment, the station’s call sign was changed to KDIS-FM. For convenience purposes, we will refer to the station by its current call sign.

<sup>2</sup> See 47 C.F.R. §§ 0.283 and 1.106(b)(2), (3).

<sup>3</sup> ABC, Inc. (“ABC”) filed an Opposition to the Petition on November 13, 2008.

<sup>4</sup> See *Application of Nameloc, Inc.(Assignor) and ABC, Inc.(Assignee) for Assignment of License*, Memorandum Opinion and Order, 23 FCC Rcd 14295 (2008) (the “*MO&O*”).

<sup>5</sup> See *Letter to Susan L. Fox, et al.*, Ref. No. 1800B3-BSH (MB May 30, 2003) (“*Bureau Decision*”).

<sup>6</sup> In the *MO&O*, the Commission also reviewed a Petition for Reconsideration filed on June 16, 2003, by Dale Charles *et al.* (“Charles Petition”), and a pleading labeled “Petition to Deny Transfer of License” submitted on April 28, 2003, by D.A. Lams, President of the Student Government Association of Philander Smith College (“Lams Objection”), which it characterized as untimely but treated as an informal objection under 47 C.F.R. §73.3587. *MO&O*, 23 FCC Rcd at 14300 n.14. These petitioners did not appeal the *MO&O*.

fully considered, that ABC prematurely assumed control of the Station and engaged in anti-competitive behavior, that the Bureau erred in relying on the Commission's Enforcement Bureau's decision on the issue of unauthorized control,<sup>7</sup> and that the Commission failed to adequately consider radio market concentration issues. Nameloc's sole new argument is that the Lams Objection was timely submitted.

3. *Discussion.* Section 1.106(b)(2) of the Commission's rules (the "Rules") provides that a petition for reconsideration of the denial of an application for review will be entertained only if "(i) [t]he petition relies on facts or arguments which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters to the Commission; or (ii) [t]he petition relies on facts or arguments unknown to petitioner until after his last opportunity to present them to the Commission, and he could not through the exercise of ordinary diligence have learned of the facts and circumstances in question prior to such opportunity."<sup>8</sup> Section 1.106(b)(3) of the Rules states that a petition for reconsideration of an order denying a application for review that fails to introduce relevant new facts or changed circumstances may be dismissed by the staff as repetitious.<sup>9</sup>

4. In the Petition, apart from one new argument, Nameloc reiterates arguments already considered and rejected by the Commission in denying its Application for Review. It is settled Commission policy that petitions for reconsideration are not to be used for the mere reargument of points previously advanced and rejected.<sup>10</sup> Reconsideration will not be granted merely for the purpose of again debating matters on which the Commission has already deliberated and decided.<sup>11</sup> Here, Nameloc has attempted to reargue, and merely repeats, statements it offered previously in its Application for Review. As for Nameloc's singular new challenge, the timeliness of the Lams Objection, we find it irrelevant.<sup>12</sup> In the *MO&O*, the Commission fully considered the Lams Objection on the merits.<sup>13</sup> Therefore, as Nameloc offers neither new relevant facts nor changed circumstances, we will dismiss the Petition as repetitious.

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<sup>7</sup> On March 10, 2003, Nameloc also filed a "Complaint Against ABC, Inc., Petition for Investigation Pursuant to Section 403 of the Communications Act and Request for Declaratory Ruling" (the "Complaint") with the Enforcement Bureau. In the Complaint, Nameloc alleged that ABC prematurely assumed control of the Station. On April 18, 2003, the Enforcement Bureau found the Complaint meritless. *See Letter to James L. Winston, Esq. et al.*, (EB Apr. 18, 2003). Nameloc did not appeal the Enforcement Bureau's decision.

<sup>8</sup> 47 C.F.R. § 1.106(b)(2) *See, e.g., S & L Teen Hospital Shuttle*, Order on Reconsideration, 17 FCC Rcd 7899, 7899-90 (2002)

<sup>9</sup> 47 C.F.R. § 1.106(b)(3). *See e.g., Warren C. Havens*, Third Order on Reconsideration, 26 FCC Rcd 10888, 10890-91 (2011) ("*Havens*"); and *Motorola, Inc.*, Order on Reconsideration, 26 FCC Rcd 16581, 16584 (2011).

<sup>10</sup> *See Regents of the University of California*, Order, 17 FCC Rcd 12891, 12892 (WTB 2002) ("*Regents*") (citing *Mandeville Broadcasting Corp. and Infinity Broadcasting of Los Angeles*, Order, 3 FCC Rcd 1667 (1988)); and *M&M Communications, Inc.*, Memorandum Opinion and Order, 2 FCC Rcd 5100 (1987).

<sup>11</sup> *See Regents*, 17 FCC Rcd at 12892. *See also WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964), *aff'd sub. nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966). (Commission does not need to reexamine arguments that it has already considered and rejected).

<sup>12</sup> *See, e.g., Havens*, 26 FCC Rcd at 10891 (argument raising new facts must be relevant).

<sup>13</sup> *See MO&O*, 23 FCC Rcd at 14300 n.14.

5. *Conclusion/Action.* Accordingly, IT IS ORDERED, pursuant to authority contained in 47 C.F.R. §§ 1.106(b)(2) and 1.106(b)(3), that the Petition for Reconsideration filed by Nameloc, Inc. on October 30, 2008, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake  
Chief, Media Bureau