



Federal Communications Commission
Washington, D.C. 20554

October 1, 2012

In reply refer to:
1800B3-AP
Released: October 1, 2012

Mr. Henry Cotton
Jamie Patrick Broadcasting, Ltd.
328 West Madison Avenue
Bastrop, LA 71220

In re: DKTRY-FM, Bastrop, LA
Jamie Patrick Broadcasting, Ltd.
Facility ID No. 30308
File No. BRH-20060301ACK

Petition for Reconsideration

Dear Mr. Cotton:

We have before us a Petition for Reconsideration ("Petition") filed on November 20, 2007, by Jamie Patrick Broadcasting, Ltd. ("JPB"), former licensee of DKTRY-FM, Bastrop, Louisiana ("Station"). The Petition seeks reconsideration of our October 18, 2007, letter decision ("Letter Decision")¹ treating the Station's referenced renewal application ("Application") as a petition for reconsideration under Section 1.106 of the Commission's Rules ("Rules") and dismissing that filing as untimely. For the reasons stated below, we dismiss the Petition as untimely.

Background. Section 73.3539(a) of the Rules requires that applications for renewal of license for broadcast stations must be filed "not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed."² An application for renewal of the Station's license should have been filed by February 1, 2004, four months prior to the Station's June 1, 2004, license expiration date, but was not. Accordingly, on January 19, 2006, the staff wrote to JPB, indicating that the Station's license had expired, and that (1) all authority to operate the Station was terminated; and (2) the Station's call letters were deleted from the Commission's data base. JPB was also advised that any further operation of the Station was unauthorized and must cease immediately.³ *Public Notice* of these actions was released on January 24, 2006.⁴

More than 30 days later, on March 1, 2006, JPB filed the Application. JPB provided no explanation in the Application for its failure to timely file the DKTRY-FM license renewal application.⁵ Staff treated the Application as a petition for reconsideration of the Cancellation Letter, and dismissed it as untimely in the Letter. The Petition was filed one day late.⁶ In the Petition, JPB maintains that it had it

¹ *Jamie Patrick Broadcasting, Ltd.*, Letter, 22 FCC Rcd 18610 (MB 2007).

² 47 C.F.R. § 73.3539(a).

³ *Letter to Jamie Patrick Broadcasting, Ltd.* (Aud. Div. rel. Jan. 19, 2006) ("Cancellation Letter").

⁴ *See Broadcast Actions*, Public Notice, Report No. 46157 (Jan. 24, 2006), p.16.

⁵ In a request for Special Temporary Authorization filed on March 2, 2006, the Licensee explained simply that it attempted to timely file the KTRY-FM license renewal application in 2004 and thought it had filed the Application, but it had difficulties with the electronic filing process and did not properly complete the filing of the Application.

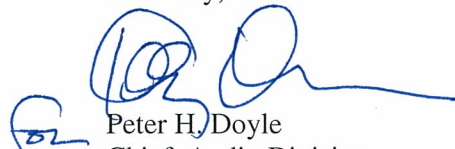
⁶ The deadline for filing a petition for reconsideration of the Letter Decision was November 19, 2007.

had been working closely with Commission staff up through February 28, 2006, to successfully file the Application electronically, and assumed that, as a result, no explanation for the untimely filing of the Application was necessary.

Discussion. Section 405 of the Communications Act of 1934, as amended (“Act”),⁷ and Section 1.106(f) of the Rules,⁸ require petitioners to seek reconsideration no later than 30 days after *Public Notice* of the action for which reconsideration is sought. The Commission generally lacks the authority to extend or waive the statutory 30-day filing period for petitions for reconsideration set forth in Section 405 of the Act. Although the Commission may not refuse to consider a late-filed petition for reconsideration if the petitioner shows that its failure to file for reconsideration in a timely manner resulted from “extraordinary circumstances,”⁹ no such showing has been made here.

Conclusion/Action. Accordingly, IT IS ORDERED, that the Petition for Reconsideration filed on November 20, 2007, by Jamie Patrick Broadcasting, Ltd., is DISMISSED.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

⁷ 47 U.S.C. § 405. *See Reuters Limited v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986). *See also Pueblo Radio Broadcasting Service*, Memorandum Opinion and Order, 6 FCC Rcd 1416, 1416 (1991); *Panola Broadcasting Co.*, Memorandum Opinion and Order, 68 FCC 2d 533, 533 (1978) (petition for reconsideration filed one day after statutorily allotted time must be dismissed as untimely filed).

⁸ 47 C.F.R. § 1.106(f).

⁹ *Gardner v. FCC*, 530 F.2d 1086, 1091-92 (D.C. Cir. 1976); *Richardson Independent School District*, Memorandum Opinion and Order, 5 FCC Rcd 3135, 3136 (1990). The filing of a petition for reconsideration one day late does not constitute an “extraordinary circumstance” that would warrant waiver of the filing deadline. *Pueblo Radio Broadcasting Service, supra*.