



Federal Communications Commission
Washington, D.C. 20554
February 1, 2013

In Reply Refer to:
1800B3

Mr. Alberto Estrada
Landino 247
San Juan, PR 00907

Howard Liberman, Esq.
Alisa Lahey, Esq.
Drinker, Biddle & Reath
Suite 1100
1500 K Street, N.W.
Washington, D.C. 20005

In re: WIPR-FM, San Juan, PR
Facility ID No. 53860
File No. BRH-20111003ASG

Informal Objection

Dear Counsel and Mr. Estrada:

On October 3, 2011, Puerto Rico Public Broadcasting Corporation (“PRPBC”) filed the referenced application for renewal of its license for Station WIPR-FM, San Juan, Puerto Rico. The staff granted this uncontested application on March 21, 2012. On January 7, 2013, Mr. Alberto Estrada (“Estrada”) filed a letter objecting to renewal of the Station’s license.¹

Section 73.3587 of the Commission’s Rules² mandates that an informal objection be filed prior to Commission action on an application. As noted, the staff granted PRPBC’s unopposed renewal application for WIPR-FM on March 21, 2012. The Informal Objection therefore is untimely and we will dismiss it.³

Moreover, the informal objection also is untimely were we to consider it as a petition for reconsideration of the grant of the WIPR-FM license renewal application. Public Notice of that grant was issued on March 26, 2012,⁴ and petitions for reconsideration were due no later than April 25, 2012.⁵ The U.S. Court of Appeals for the District of Columbia Circuit has held that the Commission lacks authority to waive or extend the statutory thirty-day filing period for petitions for reconsideration unless the petitioner can show that its failure to file in a timely manner resulted from “extraordinary circumstances

¹ The letter does not include an affidavit of someone with personal knowledge attesting to the facts contained therein, and it bears no evidence of service on PRPBC or its counsel, as required by 47 U.S.C. § 309(d). Accordingly, we will treat the letter as an Informal Objection to the WIPR-FM license renewal application.

² 47 C.F.R. § 73.3587.

³ See *Aspen FM, Inc.*, Memorandum Opinion and Order, 12 FCC Rcd 17852, 17856 (1997) (affirming staff dismissal as untimely of an informal objection not filed prior to grant of an application).


⁴ See *Broadcast Actions*, Public Notice, Report No. 47702 (Mar. 26, 2012).

⁵ See 47 U.S.C. § 405, 47 C.F.R. §§ 1.45, 1.106.

indicating that justice would thus be served.”⁶ In addition, courts have long discouraged the Commission from accepting late-filed petitions and supplements.⁷ Here, Mr. Estrada did not present an explanation for the late filing, and therefore he has not demonstrated the “extraordinary circumstances” contemplated by *Gardner*.

Accordingly, the January 7, 2013, Informal Objection filed by Mr. Alberto Estrada IS DISMISSED.

Sincerely,


6r Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Puerto Rico Public Broadcasting Corporation

⁶ See *Gardner v. FCC*, 530 F.2d 1086, 1091-92 (D.C. Cir. 1976) (“*Gardner*”) (where late filing of petition seeking reconsideration of Commission decision finding radio station had not violated personal attack rule was substantially due to the Commission’s failure to follow its own rules requiring personal notice of its decision, the Commission abused its discretion in rejecting petition as untimely).

⁷ See *Reuters, Ltd. v. FCC*, 781 F.2d 946 (D.C. Cir. 1986) (“*Reuters*”) (express statutory limitations barred the Commission from acting on a petition for reconsideration that was filed after the due date); *Virgin Islands Telephone Corporation v. FCC*, 989 F.2d 1231 (D.C. Cir. 1993) (upholding the Commission’s refusal to entertain a petition for reconsideration, where the petition had been filed one day late, and extenuating circumstances did not prohibit the petitioner from filing within the prescribed time limits); *21st Century Telesis Joint Venture v. FCC*, 318 F.3d 192 (D.C. Cir. 2003) (affirming the Commission’s decision not to exercise its discretion to hear late-filed supplements when the petitioner offered no plausible explanation as to why supplemental arguments were not made in its initial petition).