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Lehigh Valley Community Broadcasters Assoc., Inc.  
301 Broadway  
Bethlehem, PA 18015

In re: WDIY(FM), Allentown, PA  
Facility ID# 36992  
Lehigh Valley Community Broadcasters  
Assoc., Inc. ("Lehigh")  
BPED-19990823IA  
Petition for Reconsideration

FCC Mail Room  
FEB 20 2007  
MAIL ROOM

Dear Applicant:

This is in reference to: (1) the above-captioned application for minor changes to non-commercial educational FM station WDIY; (2) the Commission letter dated February 16, 2005, dismissing the application for failure to prosecute; and (3) the petition for reconsideration filed on March 24, 2005, seeking reinstatement of the application.

By letter dated February 16, 2005, the staff informed Lehigh that it had failed to respond to the July 22, 2003 Commission letter requesting the TV Channel 6 interference showing. Specifically, Lehigh was given 30 days to respond to the July 22, 2005 letter with an amendment. The July 22, 2005 letter stated that "(f)ailure to respond within this time period will result in the dismissal of the application pursuant to 47 CFR Section 73.3568(a)(1)." Failure to prosecute an application, or failure to respond to official correspondence, will be cause for dismissal. On February 16, 2005, we dismissed the application for failure to prosecute.<sup>1</sup>

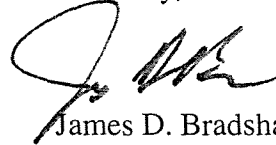
On March 24, 2005, Lehigh submitted a petition for reconsideration requesting that its application be reinstated and returned to pending status. The petition stated that the applicant had not amended its TV Channel 6 interference with respect to WPVI, Philadelphia, Pennsylvania showing because it was unsure at the time if WPVI would continue to operate on Channel 6 after the DTV conversion. Furthermore, Lehigh reiterates the same argument presented in the original application that resulted in the deficiency letter.

When seeking reconsideration of a Commission decision, a petitioner must state with particularity how the actions taken should be changed or the respects in which it believes the findings of fact or conclusions of law are erroneous, and the form of relief sought. 47 U.S.C.

<sup>1</sup> Please note that the February 16, 2005 letter included a FCC mailroom date-stamped copy.

§ 1.106(d). The petition fails to include any documentation demonstrating that the applicant delivered a timely response to the February 16, 2005 Commission letter. According, the petition for reconsideration has not established that the staff made material errors of fact or law in its decision dismissing the application. Furthermore, Lehigh fails to respond to the issues raised in the July 22, 2003 letter and thus, has not filed a curative amendment. Therefore, the petition for reconsideration IS HEREBY DENIED. This action is taken pursuant to 47 CFR § 1.106.

Sincerely,



James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

cc: John Crigler, Esq.