



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

August 9, 2013

In Reply Refer to:
1800B-AMD

Kenneth O. Harden, President
Southern Educational Media Institute Association
102 NE 10th Ave., Suite 10
Gainesville, FL 32601

Stephen Thomas Yelverton, Esq.
Counsel to Great God Gospel and Education Station, Inc.
601 Pennsylvania Ave., N.W., Suite 900 South
Washington, DC 20004

In re: **WITG-LP, Ocala, FL**
Facility ID No. 131370
Great God Gospel and Education Station, Inc.
File No. BRL-20110923AFB

Petition for Reconsideration

Dear Messrs. Harden and Yelverton:

We have before us a Petition for Reconsideration ("Petition") filed on April 30, 2013,¹ by Southern Educational Media Institute Association ("SEMIA"), seeking reconsideration of a March 25, 2013, Media Bureau ("Bureau") staff decision² granting the license renewal application ("Application") of Great God Gospel and Education Station, Inc. ("GGGES") for Low Power FM Station WITG-LP, Ocala, Florida ("Station"), and denying SEMIA's Petition to Deny the Application.³ For the reasons set forth below, we dismiss the Petition as untimely.

Background. GGGES filed the Application on September 23, 2011. In response, SEMIA filed a Petition to Deny the Application on December 21, 2011, presenting facts and documents "virtually identical" to those previously dismissed by the Bureau in 2006 when SEMIA challenged GGGES's application for the Station's initial construction permit.⁴ Accordingly, the Bureau denied SEMIA's Petition to Deny as repetitious and granted the Application in the *Renewal Letter* on March 25, 2013, issuing public notice of the *Renewal Letter* on March 28, 2013.⁵ SEMIA filed the Petition on April 30, 2013.

¹ The Petition is dated March 26th, 2013, and the Certificate of Service indicates it was mailed on April 26th 2013. However, Commission records indicate the Petition was not received by the Commission until April 30, 2013. See 47 C.F.R. § 1.7 ("pleadings and other documents are considered to be filed with Commission upon their receipt at the location designated by the Commission").

² See *Letter to Kenneth O. Harden from James D. Bradshaw*, Ref 1-800B-IB (MB Mar. 25, 2013) ("*Renewal Letter*").

³ GGGES filed a "Motion to Dismiss Late-Filed Petition for Reconsideration" on June 13, 2013.

⁴ *Renewal Letter* at 3, citing *Letter to James Trapani, Director, GGGES*, Ref. 1800B3-SS (MB May 26, 2006).

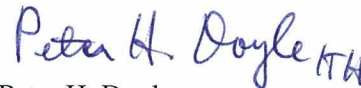
⁵ *Renewal Letter* at 3. See also *Broadcast Actions*, Public Notice, Report No. 47955 (MB Mar. 28, 2013).

Discussion. Section 405 of the Communications Act of 1934, as amended, (“Act”) and the Commission’s Rules (“Rules”) require any petition for reconsideration to be filed within thirty days of the date upon which the Bureau gives public notice of the decision or action complained of.⁶ 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.⁷ The Rules provide that for an unpublished document, the date of public notice is the date the document’s appears in a Public Notice.⁸ Here, the Bureau gave public notice of the *Renewal Letter* in the March 28, 2013, Public Notice. Any petition for reconsideration of the *Renewal Letter*, therefore, was due on April 29, 2013.⁹ SEMIA, however, did not file the Petition until April 30, 2013.

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,”¹⁰ SEMIA presents us with no evidence of such extraordinary circumstances in the instant case. Accordingly, we will dismiss the Petition as untimely.¹¹

Conclusion/Actions. Accordingly, for the reasons set forth above, IT IS ORDERED THAT the Petition for Reconsideration filed on April 30, 2013, by Southern Educational Media Institute Association IS DISMISSED.

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" followed by a stylized monogram "PTH".

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁶ 47 U.S.C. § 405(a) (“petition for reconsideration must be filed within thirty days from the date upon which public notice is given of the order, decision, report, or action complained of.”), 47 C.F.R. § 1.106(f) (“petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of the final Commission action . . .”).

⁷ See *Reuters Limited v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986) (express statutory limitations barred the Commission from acting on a petition for reconsideration that was filed after the due date).

⁸ 47 C.F.R. § 1.4(b)(4) (“If the full text of an action document is not to be released by the Commission, but a descriptive document entitled “Public Notice” describing the action is released, the date on which the descriptive “Public Notice” is released.”).

⁹ The thirty day deadline fell on Saturday, April 27, 2013, which is considered a holiday. 47 C.F.R. § 1.4(e). Any petition for reconsideration was due on the next business day, Monday, April, 29, 2013. See 47 C.F.R. § 1.4(j) (“Unless otherwise provided . . . if, after making all the computations provided for in this section, the filing date falls on a holiday, the document shall be filed on the next business day.”).

¹⁰ See *Gardner v. FCC*, 530 F.2d 1086, 1091-92 (D.C. Cir. 1976) (where late filing of petition for reconsideration was substantially due to the Commission’s failure to follow its own rules, the Commission abused its discretion in rejecting petition as untimely).

¹¹ See *Virgin Islands Telephone Corporation v. FCC*, 989 F.2d 1231, 1237 (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). See also *Pueblo Radio Broadcasting Service*, Memorandum Opinion and Order, 6 FCC Rcd 1416 (1991) (dismissing petition for reconsideration that was filed one day late); *Metromedia, Inc.*, Memorandum Opinion and Order, 56 FCC 2d 909 (1975) (same); *Panola Broadcasting Co.*, Memorandum Opinion and Order, 68 FCC 2d 533 (1978) (same).