



Federal Communications Commission  
Washington, D.C. 20554

April 21, 2015

*In Reply Refer to:*  
1800B3-ATS

Ms. Michelle Bradley  
REC Networks  
11541 Riverton Wharf Road  
Mardela Springs, MD 21837

Mr. Richard Scatterday  
The Church in Anaheim  
2528 West La Palma Avenue  
Anaheim, CA 92801

Mr. Kenneth R. Roth  
Long Beach Community Television and Media Corporation  
1906 East Anaheim Street  
Long Beach, CA 90813

Mr. Blair Besten  
Historic Downtown Los Angeles Business Improvement District  
453 South Spring Street, Suite 1116  
Los Angeles, CA 90013

Mr. Gerald R. Rhoads  
Edgewood High School  
1301 Trojan Way  
West Covina, CA 91790

In Re: The Church in Anaheim  
New LPFM, Anaheim, CA  
Facility ID Number: 195397  
File Number: BNPL-20131108ADF

Long Beach Community Television and  
Media Corporation  
New LPFM, Long Beach, CA  
Facility ID Number: 195312  
File Number: BNPL-20131112BDU

Historic Downtown Los Angeles  
Business Improvement District  
New LPFM, Los Angeles, CA  
Facility ID Number: 196909  
File Number: BNPL-20131114BGG

Edgewood High School  
New LPFM, West Covina, CA  
Facility ID Number: 197426  
File Number: BNPL-20131115AAB

**Petition for Reconsideration**

Dear Ms. Bradley and Applicants:

We have before us the Petition for Reconsideration (“Petition”) filed by Michelle A. Bradley (“Bradley”), founder of REC Networks (“REC”), seeking reconsideration of the Media Bureau (“Bureau”) decision<sup>1</sup> admonishing her and five applicants for new LPFM construction permits for violations of the Commissions’ *ex parte* rules. For the reasons set forth below, we deny the Petition.

**Background.** As discussed in the *Admonishment Letter*, a Public Notice issued by the Commission on July 9, 2014, identified a deadline of October 7, 2014, for tentative selectee LPFM applicants in certain mutually exclusive groups to submit time-share proposals, and a deadline of October 8, 2014, for applicants to file major amendments to resolve their mutual exclusivities.<sup>2</sup> Bradley and REC facilitated a time-share agreement (“Agreement”) between six applicants for a construction permit for new LPFM stations in the Los Angeles area – The Church in Anaheim, Long Beach Community Television and Media Corporation, Glendale Humane Society,<sup>3</sup> Historic Downtown Los Angeles Business Improvement District, and Edgewood High School (collectively, “Applicants”).<sup>4</sup> Bradley and the Applicants erroneously concluded that the October 8, 2014, deadline for filing major-amendments applied to time-share agreements and submitted their time-share proposals on October 8, 2014, rather than October 7, 2014.

Bradley sent an email on October 9, 2014 (“October E-mail”), to Chairman Tom Wheeler, Commissioners Mignon Clyburn, Jessica Rosenworcel, Ajit Pai, and Michael O’Rielly, and Media Bureau staff Tom Hutton and Parul P. Desai to request an extension of the October 7, 2014, deadline to submit time-share proposals. Bradley believed the *July Public Notice* caused confusion among some applicants and that an extension was warranted because, “there were 12 amendments for aggregation agreements impacting Los Angeles, Portland, Vallejo and Omaha” that were filed on October 8.<sup>5</sup> Ms. Bradley did not serve the October E-mail on competing applicants. The Bureau determined that the October E-mail was an improper *ex parte* presentation and admonished Bradley and the Applicants for their violation of the *ex parte* provisions of the Commission’s rules.<sup>6</sup>

In the Petition, Bradley states that the Applicants “were not involved in any way with the [October E-mail] . . . . The decision to send the [October E-mail] was solely Ms. Bradley’s decision and not that of the [Applicants].”<sup>7</sup> Accordingly, Bradley argues that the admonishment against the Applicants should be rescinded.

**Discussion.** The Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission's original order, or raises additional facts, not

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<sup>1</sup> *Michelle Bradley*, Letter, Ref 1800B3-PPD (MB Oct. 20, 2014) (“*Admonishment Letter*”).

<sup>2</sup> *See Commission Names Tentative Selectees of Mutually Exclusive LPFM Applications*, Public Notice, 29 FCC Rcd 8665 (MB 2014) (“*July Public Notice*”). The Commission stated that the time-share proposals were to be submitted “within 90-days of the release of [the *July Public Notice*].” Because the *July Public Notice* was released on July 9, 2014, time-share proposals were due by October 7, 2014.

<sup>3</sup> On January 12, 2015, the application of Glendale Humane Society was dismissed at the applicant’s request. *See Broadcast Action*, Public Notice, Report No. 48406 (MB Jan. 15, 2015).

<sup>4</sup> The Applicants are part of LPFM MX Group 27, which was included in the *July Public Notice*.

<sup>5</sup> *See* October E-mail. Bradley stated that because the *July Public Notice* identified an October 8, 2014, deadline for filing major amendments to their applications, she and the Applicants assumed that time-share agreements were also due on that day. *Id.*

<sup>6</sup> *Admonishment Letter* at 3.

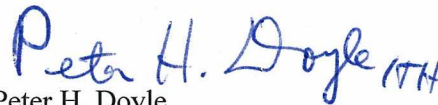
<sup>7</sup> Petition at 1.

known or existing at the time of the petitioner's last opportunity to present such matters.<sup>8</sup> Bradley has failed to satisfy this burden.

We disagree with Bradley's suggestion that her actions should not be attributed to the Applicants. Bradley and REC were representing the Applicants in this proceeding and not merely advocating "to assure fairness and accessibility to all applicants."<sup>9</sup> The Agreement, drafted on REC letterhead, explicitly stated "[t]his partial settlement agreement has been mediated by Michelle Bradley at REC Networks acting as the administrator of the 101.5 MegaGroup [i.e., the Applicants]."<sup>10</sup> Moreover, because the Agreement was submitted after the original filing deadline, the Applicants stood to directly benefit from the extension of the filing deadline requested in the October E-mail. The fact that Bradley and REC did not consult with the Applicants prior to sending the October E-Mail does not indicate that Bradley and REC were not representing the Applicants. Applicants and licensees are responsible for keeping themselves informed of the status of their filings and are responsible for the actions their representatives take on their behalf.<sup>11</sup> We will therefore deny the Petition.

**Conclusion.** Accordingly, IT IS ORDERED that the Petition for Reconsideration filed on November 19, 2014, by Michelle A. Bradley IS HEREBY DENIED.

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" followed by the initials "PHD".

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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<sup>8</sup> See 47 C.F.R. § 1.106(c), (d). 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*, 387 U.S. 967 (1966).

<sup>9</sup> Petition at 2.

<sup>10</sup> Agreement 1.

<sup>11</sup> See, e.g., *Triad Broadcasting Company, Inc.*, Memorandum Opinion and Order, 96 FCC 2d 1235, 1244 ¶ 21 (1984) (issuing forfeiture to licensee for rule violations caused by its attorney's actions and noting that ignorance of attorney's actions was no excuse because "licensee here needed only to exercise better judgment and closer supervision of its counsel").