

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

In re	)	
	)	
Application of Anniston Seventh-Day Adventist	)	File No. BNPED-20100226ABT
Church for a New Noncommercial Educational	)	Facility ID No. 184996
FM Station at Anniston, Alabama	)	
	)	
and	)	
	)	
Application of Board of Trustees of Jacksonville	)	File No. BNPED-20100226AFB
State University for a New Noncommercial	)	Facility ID No. 184855
Educational FM Station at Anniston, Alabama	)	
	)	

ORDER ON RECONSIDERATION

Adopted: June 3, 2015

Released: June 3, 2015

By the Chief, Media Bureau:

1. We have before us a Petition for Reconsideration (“Petition”) filed by the Board of Trustees of Jacksonville State University (“JSU”) on January 22, 2015.¹ JSU seeks reconsideration of a *Memorandum Opinion and Order* released by the Commission on December 23, 2014.² Therein, the Commission denied an Application for Review (“AFR”) filed by JSU. In so doing, it affirmed the Media Bureau’s (“Bureau”) reinstatement *nunc pro tunc* and grant of an application filed by Anniston Seventh-Day Adventist Church for a new noncommercial educational (“NCE”) station serving Anniston, Alabama. It also affirmed the Bureau’s dismissal of JSU’s competing application for a new NCE FM station serving the same community.

2. Section 1.106(p) of the Commission’s rules permits the Bureau to dismiss or deny petitions for reconsideration “that plainly do not warrant consideration by the Commission.”³ It specifies that a petition for reconsideration that relies on “arguments that have been fully considered and rejected by the Commission within the same proceeding” does not warrant consideration.⁴ In addition, Section 1.106(b)(3) permits Commission staff to dismiss a petition for reconsideration of an order denying an application for review that “fails to rely on new facts or changed circumstances.”⁵

3. We find that JSU has not specified any circumstances that warrant further review by the Commission. JSU merely reiterates the same arguments that were raised in its AFR as well as in its

¹ Anniston Seventh-Day Adventist Church opposed the Petition on February 20, 2015. JSU filed a Reply to Opposition to Petition for Reconsideration (“Reply”) on March 4, 2015.

² *Anniston Seventh-Day Adventist Church*, Memorandum Opinion and Order, 29 FCC Rcd 16331 (2014) (“Order”).

³ 47 C.F.R. § 1.106(p). See *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, Report and Order, 26 FCC Rcd 1594, 1606 ¶ 27 (2011).

⁴ 47 C.F.R. § 1.106(p)(3).

⁵ 47 C.F.R. § 1.106(b)(3).

earlier pleadings. We decline to reconsider JSU's previous arguments as it has not provided any new information or shown that a material legal error was made.⁶ Because the Petition simply raises arguments previously considered and rejected by the Commission in the Order, we dismiss it pursuant to Sections 1.106(b)(3) and (p) of the Commission's rules.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Sections 1.106(b)(3) and (p) of the Commission's Rules,⁷ the Petition for Reconsideration filed by the Board of Trustees of Jacksonville State University on January 22, 2015, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

⁶ JSU does cite to a Commission decision issued after it filed its AFR. See Petition at 4-5, citing *Wynnewood Community Radio Association*, Memorandum Opinion and Order, 29 FCC Rcd 6309 (2014) ("*Wynnewood*"); Reply at 2-3. JSU cites this case in support of its argument that the Commission should treat an applicant for a reserved allotment that fails to satisfy the third channel reservation standard in the same manner as an applicant for an NCE station that fails to demonstrate that it was a non-profit organization at the time of filing. We note that the Commission had stated – prior to the filing of the application at issue in *Wynnewood* – that the failure of an applicant for an NCE station to be a non-profit organization at the time of filing constituted an incurable defect. See *Blue Lake Academy, Inc.*, Letter, 20 FCC Rcd 12066, 12068-69 (MB 2005), *aff'd Best of Life Educational Services, Inc.*, Memorandum Opinion and Order, 26 FCC Rcd 15847 (2011). It has not made a similar finding with respect to a third channel reservation standard defect.

⁷ 47 C.F.R. §§ 1.106(b)(3) & (p).