



Federal Communications Commission
Washington, D.C. 20554
April 11, 2017

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Re: Sun Radio Foundation
KCTI-FM, Laredo, TX
Facility ID No. 91220

Dear Counsel:

By this letter, we dismiss, as a late-filed petition for reconsideration, a December 22, 2016, letter request, filed by Texas Public Radio (TPR), licensee of radio station KCTI (AM), Gonzales, Texas, to rescind station KCTI-FM's call sign assignment. The KCTI-FM call sign was requested by Maranatha Church of Laredo, Incorporated (Maranatha), the licensee of the station at the time, via the FCC Radio and Television Call Sign Reservation and Authorization System. The Commission announced the modified call sign in a Public Notice issued on April 7, 2016.¹

Pursuant to Section 405(a) of the Communications Act, as amended, and Section 1.106 of the Commission's rules, an interested party has 30 days "[a]fter an order, decision, report, or action," to file a petition for reconsideration.² The United States Court of Appeals for the District of Columbia Circuit has consistently held that the Commission, absent extraordinary circumstances, does not have the authority to waive or excuse the statutory 30-day filing period for petitions for reconsideration.³ Based on the Public Notice release date, petitions for reconsiderations were due on May 9, 2016. TPR's challenge to the Commission's action on the call sign change was approximately 227 days late. TPR has failed to show that extraordinary circumstances justified the extremely untimely petition for reconsideration. The call sign change was announced via Public Notice per the Commission's ordinary practice.⁴

¹ Media Bureau Call Sign Actions, Report No. 589, Public Notice (Media Bureau 2016).

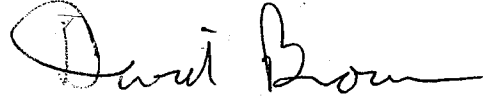
² 47 U.S.C. § 405(a); 47 C.F.R. § 1.106(a)(1).

³ See *Reuters, Ltd. v. FCC*, 781 F.2d 946, 952 (D.C. Cir. 1986) (the Commission does not have statutory authority to act on a petition for reconsideration filed after the 30 day filing period); *Gardner v. FCC*, 530 F.2d 1086, 1091 (D.C. Cir. 1976) (*Gardner*) (the Commission may only act on late-filed petitions for reconsiderations when "extraordinary circumstances indicate that justice would be thus be served").

⁴ See *Gardner*, 530 F.2d at 1086 (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 give personal notice of its decision, the Commission abused its discretion in rejecting petition as untimely); *Virgin Islands Telephone Corporation v. FCC*, 989 F.2d 1231 (D.C. Cir. 1993); *Metromedia, Inc.*, 56 FCC2d 909 (1975) (distinguishing *Gardner* and finding that the Commission may not waive the thirty day filing period to accept a petition for reconsideration filed one day late); *Ole Brook Broadcasting, Inc.*, Memorandum Opinion and Order, 15

Accordingly, IT IS ORDERED that pursuant to Section 405(a) of the Communications Act, as amended, and Section 1.106 of the Commission's rules, TPR's Petition for Reconsideration IS DISMISSED.

Sincerely,

A handwritten signature in black ink, appearing to read "David Brown". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David J. Brown
Deputy Chief, Video Division
Media Bureau

FCC Rcd 20644 (2000); Letter from Peter Doyle, Chief, Audio Division, Media Bureau to Henry Cotton, Jamie Patrick Broadcasting, Ltd., 22 FCC Rcd 18610 (2007); Letter from Peter Doyle, Chief, Audio Division, Media Bureau to Martin L. Hensley, 22 FCC Rcd 8377 (2007)