

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

In the Matter of:	)	
	)	
Charter Communications	)	CSR-5329
	)	
Request for Declaratory Ruling	)	
FCC Form 394	)	
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: January 23, 2001**

**Released: January 25, 2001**

By the Deputy Chief, Cable Services Bureau:

1. Section 617 of the Communications Act of 1934, as amended, provides a local franchising authority ("LFA") with 120 days to act upon a request for approval of a sale or transfer of a cable television franchise, provided that the franchise itself requires such approval. If the LFA fails to render a final decision in that time period, the request is deemed granted unless the requesting party and the LFA agree to an extension of time. Section 76.502(a) of the Commission's rules, which is the rule provision implementing Section 617, states that the 120 day time period shall commence with the submission of FCC Form 394 to the LFA.

2. In the above-captioned proceeding, Charter Communications requested that the Commission declare that exhibits to FCC Form 394 may be submitted in electronically readable format over the internet. In an Order, the Cable Services Bureau granted this request.<sup>1</sup> Subsequently, an Order on Reconsideration was released by the Bureau, clarifying its earlier decision.<sup>2</sup> The National Association of Telecommunications Officers and Advisors ("NATOA") filed a petition for reconsideration of the Bureau's *Reconsideration Order*, pursuant to Sections 1.106(a)(1) and 1.106(j) of the Commission's rules.<sup>3</sup> The Bureau then released an order denying reconsideration,<sup>4</sup> based on NATOA's failure to file its petition within thirty days of public notice of the Bureau's *Reconsideration Order*, as well as its failure to serve parties to the proceeding, pursuant to Section 405 of the Communications Act of 1934, as amended,<sup>5</sup> and Section 1.106(f) of the Commission's rules.<sup>6</sup> In the instant proceeding, NATOA has filed a second petition for reconsideration of the Bureau's *Reconsideration Order*.

3. In its current petition, and accompanying motion to accept the late filing, NATOA once again requests that the Bureau accept a late-filed petition. NATOA provides the Bureau with no reason as to why it could not have filed its petition within thirty days of the *Reconsideration Order*.

<sup>1</sup> *Charter Communications*, 14 FCC Rcd 2901 (CSB, 1999) ("Order").

<sup>2</sup> *Charter Communications*, 14 FCC Rcd 4113 (CSB, 1999) ("Reconsideration Order").

<sup>3</sup> 47 C.F.R. §§1.106(a)(1), 1.106(j).

<sup>4</sup> *Charter Communications*, 14 FCC Rcd 13511 (CSB, 1999).

<sup>5</sup> 47 U.S.C. §405.

<sup>6</sup> 47 C.F.R. §1.106(f).

4. Section 405 of the Communications Act of 1934, as amended, which governs the filing of reconsideration petitions, states that a petition for reconsideration "must be filed within thirty days from the date upon which public notice is given of the order . . . complained of."<sup>7</sup> Section 1.106(f) of the Commission's rules requires that petitions for reconsideration be filed within 30 days from the date of public notice of the final Commission action, as that date is defined in Section 1.4(b) of the Commission's rules.<sup>8</sup> NATOA's petition did not comply with Section 405 of the Act or Section 1.106(f) of the Commission's rules, as NATOA failed to file its petition for reconsideration within 30 days of the Bureau's *Reconsideration Order*.<sup>9</sup> NATOA provides no explanation for its lack of compliance with the statute or the Commission's rules.

5. Accordingly, **IT IS ORDERED**, pursuant to Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. Section 405, and Section 1.106 of the Commission's rules, 47 C.F.R. Section 1.106, that the petition for reconsideration filed on September 24, 1999 by the National Association of Telecommunications Officers and Advisors (CSR-5329) **IS DISMISSED**.

6. This action is taken pursuant to authority delegated by Section 0.321 of the Commission's rules, 47 C.F.R. Section 0.321.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson  
Deputy Chief, Cable Services Bureau

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<sup>7</sup> 47 U.S.C. § 405.

<sup>8</sup> 47 C.F.R. §1.4(b).

<sup>9</sup> See §1.4(b)(2) of the Commissions rules, 47 C.F.R. §1.4(b)(2).