

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

In the Matter of)	
	)	MM Docket No. 89-120
Amendment of Section 73.202(b),	)	RM-6701
Table of Allotments,	)	RM-6999
FM Broadcast Stations.	)	RM-7000
(Northwye, Cuba, Waynesville,	)	RM-7001
Lake Ozark and Eldon, Missouri))	
 In the Matter of)	
)	
Amendment of Section 73.202(b),	)	MM Docket No. 90-195
Table of Allotments,	)	RM-7152
FM Broadcast Stations.)	
(Brookline, Missouri))	
 In the Matter of)	
)	
Amendment of Section 73.202(b),	)	MM Docket No. 91-352
Table of Allotments,	)	RM-7866
FM Broadcast Stations.)	
(Ava, Branson, and)	
Mountain Grove, Missouri))	
 In the Matter of)	
	)	MM Docket No. 92-214
Amendment of Section 73.202(b),	)	RM-8061
Table of Allotments,	)	RM-8144
FM Broadcast Stations.	)	RM-8145
(Columbia, Bourbon, Leasburg,	)	RM-8146
Gerald, Dixon, and Cuba, Missouri)	)	RM-8147

MEMORANDUM OPINION AND ORDER
(Proceedings Terminated)

Adopted: October 31, 2001 ; **Released: November 2, 2001**

By the Chief, Allocations Branch:

1. The Allocations Branch has before it petitions for reconsideration filed by Lake Broadcasting, Inc. ("Lake") in four separate rulemaking proceedings. Because the petitions raise essentially the same issue, we consider them herein in a single order.

2. Previously, we dismissed Lake's petitions for reconsideration in these four proceedings as moot.¹ The basis for this determination was that the Commission revoked all of the stations licensed to Lake or controlled by its principal shareholder, Michael Rice. The U.S. Court of Appeals for the D.C. Circuit affirmed those actions, and the U.S. Supreme Court denied *certiorari*. See *Contemporary Media, Inc. et al., v. Federal Communications Commission*, 214 F. 3d 187 (D.C. Cir 2000), *cert. denied*, ___ U.S. ___, 121 S. Ct.1355 (2001). Rice did not seek rehearing before the U.S. Supreme Court.

3. Lake now argues that this determination of mootness was premature. In support of this position, Lake contends that, at the time the reconsideration petitions were filed, it continued to be authorized to operate its stations and that it intended to file with the Commission a request for extension of its operating authority and additional equitable relief. As a result, Lake requests that the staff withhold any dismissal action pending the Commission's ultimate resolution of its request for special equitable relief.

4. We disagree that our dismissal of the four reconsideration petitions as moot was premature. In essence, those petitions sought upgrades for Lake's former license for Station KBMX(FM), Eldon, MO, and its former construction permit for Station KFYE-FM, Cuba, MO, and questioned our actions in some of these proceedings as prejudicial to its rulemaking requests. However, those stations cannot be upgraded because those authorizations were revoked, and those actions became final thirty days after the U.S. Supreme Court denied *certiorari*. In any event, the staff of the Mass Media Bureau recently denied Lake's request for special equitable relief, finding that it was "an untimely and collateral challenge to a proceeding that has been final since April 13, 2001, the deadline for seeking rehearing of the Supreme Court's denial of *certiorari*." Public Notice, DA 01-1441, released July 3, 2001, at 5. Further, the Commission ordered Rice and his wholly-owned companies to cease broadcast operations of all of their formerly licensed stations no later than 11:59 PM on October 3, 2001. See Memorandum Opinion and Order, FCC 01-300, released October 3, 2001. Under these circumstances, Lakes' petitions for reconsideration in the above-captioned proceedings no longer need be considered.

¹ The petitions for reconsideration in Docket Nos. 89-120, 90-195, 91-352, and 92-214 were dismissed as moot in four separate Memorandum Opinion and Orders at 16 FCC Rcd 7982 (2001); 16 FCC Rcd 8698 (2001); 16 FCC Rcd 8701(2001); and 16 FCC Rcd 8704 (2001), respectively.

5. Accordingly, the petitions for reconsideration filed by Lake Broadcasting, Inc. in the above-captioned proceedings ARE DENIED.

6. IS FURTHER ORDERED, That these proceeding ARE TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau