

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

In the Matter of)	
)	
WJIT BROADCASTING CORPORATION)	FCC File No. 0000259563
)	
Petition for Reconsideration of Dismissal of a)	
Application for a Studio to)	
Transmitter Link License)	

ORDER ON RECONSIDERATION

Adopted: April 13, 2001

Released: April 17, 2001

By the Chief, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. *Introduction.* On November 29, 2000, WJIT Broadcasting Corporation (WJIT) filed a request for reconsideration of the Licensing and Technical Analysis Branch of the Public Safety and Private Wireless Division (Branch) dismissal of the above referenced application for a new Studio to Transmitter Link (STL) license.¹ For the reasons stated below, we dismiss the petition for reconsideration because it was filed at the wrong location.

2. *Background.* On October 30, 2000, WJIT filed an application for a new studio-to-transmitter link (STL) license. On November 14, 2000, WJIT's application was dismissed as incomplete because it was missing required information for the receiver site at Vega Alta, Puerto Rico. On November 29, 2000, the Commission's Gettysburg facility received the Petition. In its Petition, WJIT responded to the Notice of Application Dismissal by providing information relative to the transmitter location (which was also listed as Vega Alta), as opposed to the receiver site.

3. *Discussion.* We dismiss WJIT's petition because it was not filed at the correct location. Section 1.106(i) of the Commission's Rules provides that a petition for reconsideration must be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554.² The Commission maintains different offices for different purposes, and persons filing documents with the Commission must take care to ensure that their documents are filed at the correct location specified in the Commission's Rules.³ Applications and other filings not submitted in accordance with the correct addresses or locations will be returned to the filer without processing.⁴ A document is filed with the Commission upon its receipt at the location designated by the Commission.⁵ Accordingly, the plain language of the Commission's Rules

¹ Petition for Reconsideration filed by Jose David Soler, P.E., Communications Engineer, WJIT Broadcasting Corporation, to FCC, Gettysburg, Pennsylvania (received November 29, 2000) (Petition).

² 47 C.F.R. § 1.106(i).

³ 47 C.F.R. § 0.401.

⁴ *Id.*

states that a petition for reconsideration submitted to the Commission's Gettysburg, Pennsylvania, office is not properly filed.⁶

4. The petition was never filed with the Office of the Secretary. Therefore, we find that the petition was not timely filed in the proper location. Moreover, WJIT did not request a waiver to file its petition in Gettysburg, as opposed to filing it with the Office of the Secretary. Consequently, absent a waiver, we conclude that WJIT's petition should be dismissed as improperly filed.⁷

5. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Sections 1.106 and 1.925 of the Commission's Rules, 47 C.F.R. §§ 1.106, 1.925, the petition for reconsideration filed by WJIT Broadcasting Corporation on November 29, 2000, IS DISMISSED.⁸

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

John J. Schauble
Chief, Policy and Rules Branch
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⁵ 47 C.F.R. § 1.7; First Auction of Interactive Video and Data Service (IVDS) Licenses, Request for Waiver of Applications Deadline, *Memorandum Opinion and Order*, 11 FCC Rcd 1134, 1135 (1996); Complaints Regarding Cable Programming Services Prices, *Amended Order on Reconsideration*, 10 FCC Rcd 12778, 12780 n.14 (CSB 1995).

⁶ *See, e.g.*, Memorandum of Agreement between the Federal Communications Commission and Elkins Institute Inc., *Order on Reconsideration*, 14 FCC Rcd 5080 (WTB 1999) (determining that a facsimile copy to a division office neither complied with the Commission's Rules nor ameliorated the late filing with the Secretary's office); Columbia Millimeter Communications, LP, *Order on Reconsideration*, 14 FCC Rcd 2782 (WTB PSPWD 1999) (finding that a petition for reconsideration sent to the Commission's lock box at Mellon bank neither complied with the Commission's Rules nor ameliorated the late filing with the Secretary's office), *aff'd.*, *Order on Reconsideration*, 15 FCC Rcd 10251 (WTB PSPWD 2000).

⁸ If we reached the substance of WJIT's Petition, we would deny the Petition. In 1998, the Commission established a unified policy for dismissing and returning applications, as well as pleadings related to such applications. Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, *Report and Order*, WT Docket 98-20, 13 FCC Rcd 21027 (1998). Under that unified policy, incomplete applications are normally dismissed instead of being returned to the applicant for correction. *Id.*, 13 FCC Rcd at 21069 ¶ 92. Since WJIT's application did not contain required information concerning the receiver location, the Branch's decision to dismiss WJIT's application was correct. The dismissal is without prejudice to WJIT filing a new application that contains all the required information. We note that the technical information WJIT submitted with its Petition appears to relate to its transmitter location, not receiver site.

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