

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Applications of)	
)	
GREEN VALLEY BROADCASTERS, INC.)	File No. BNP-20000201ADK
)	Facility ID No. 122407
For a New AM Broadcast Station)	
at Sahuarita, Arizona)	
)	
and)	
)	
NELSON MULTIMEDIA, INC.)	File No. BNP-20000201AGY
)	Facility ID No. 122544
For a New AM Broadcast Station)	
at Las Vegas, Nevada)	
)	
and)	
)	
KEMP COMMUNICATIONS, INC.)	File No. BNP-20000201AFX
)	Facility ID No. 122525
For a New AM Broadcast Station)	
at Las Vegas, Nevada)	

ORDER ON RECONSIDERATION

Adopted: November 2, 2005

Released: November 4, 2005

By the Chief, Audio Division, Media Bureau:

1. We have before us a Petition for Reconsideration (“Petition”), filed August 16, 2004, by Green Valley Broadcasters, Inc. (“GVB”). GVB seeks reconsideration of the Commission’s decision in *Green Valley Broadcasters, Inc., Nelson Multimedia, Inc., and Kemp Communications, Inc.* (“*Green Valley*”),¹ in which the Commission denied GVB’s application for review of the Media Bureau’s (“Bureau”) decision awarding a dispositive preference under Section 307(b) of the Communications Act of 1934, as amended,² to the mutually exclusive application of Kemp Communications, Inc. (“Kemp”) for a new AM broadcast station at Las Vegas, Nevada.

2. **Background.** GVB, Kemp, and Nelson Multimedia, Inc. (“Nelson”) filed mutually exclusive (“MX”) applications to participate in Broadcast Auction No. 32 for new AM broadcast

¹ 19 FCC Rcd 13341 (2004).

² 47 U.S.C. § 307(b) (“Section 307(b”).

stations.³ GVB proposed a new AM station at Sahuarita, Arizona,⁴ and Kemp and Nelson proposed new AM stations at Las Vegas, Nevada.⁵ The three applications were designated MX Group AM 4. The Bureau dismissed Nelson's application, and awarded Kemp a dispositive preference under Section 307(b), finding that Kemp proposed new reception service to a substantially larger population than did GVB.⁶

3. **Discussion.** The Commission's rules prescribe limited circumstances under which a party may seek reconsideration of Commission denial of an application for review. A petition for reconsideration will only be entertained if one or more of the following circumstances is present:

- (i) The petition relies on facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or
- (ii) The petition relies on facts unknown to petitioner until after his last opportunity to present such matters which could not, through the exercise of ordinary diligence, have been learned prior to such opportunity.⁷

4. GVB, in its Petition, does not cite to facts or events that occurred or circumstances that have changed since GVB's last opportunity to present such matters, or that were unknown to GVB and could not have been learned through the exercise of ordinary diligence. In fact, GVB presents no new evidence whatsoever. Rather than arguing new facts or changed circumstances, GVB uses the Petition merely to point out what it terms "Commission Errors" in *Green Valley* and to re-assert the arguments it made in its Application for Review.⁸ "It is settled Commission policy that petitions for reconsideration are not to be used for the mere reargument of points previously advanced and rejected."⁹

5. **Conclusion.** GVB's Petition does not meet the standard set forth in our rules for reconsideration of Commission denial of an application for review. Accordingly, under the Act and our rules,¹⁰ GVB's Petition IS DISMISSED AS REPETITIOUS.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle, Chief
Audio Division
Media Bureau

³ See *Public Notice*, "AM Auction Filing Window and Application Freeze," 14 FCC Rcd 19490 (MMB/WTB 1999).

⁴ File No. BNP-20000201ADK.

⁵ File No. BNP-20000201AGY (Nelson); File No. BNP-20000201AFX (Kemp).

⁶ See *Letter to Green Valley Broadcasters, Inc., Kemp Communications, Inc., and Nelson Multimedia, Inc.*, Ref. No. 1800B3-TSN (MB June 26, 2002).

⁷ 47 C.F.R. § 1.106(b)(2). If the petitioner fails to rely on such new facts or changed circumstances, Section 1.106(b)(3) authorizes Commission staff to dismiss the petition as repetitious.

⁸ See Petition at 3-10.

⁹ *S&L Teen Hospital Shuttle*, 17 FCC Rcd 7899, 7900 (2002).

¹⁰ 47 U.S.C. § 405, 47 C.F.R. § 1.106(b)(3).