

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

In the Matter of Application of )  
 )  
MORAN TOWING CORPORATION ) FCC File No. 0003570444  
 )  
To Renew the License for Ship Station WCA5276 )

**ORDER ON RECONSIDERATION**

**Adopted: March 17, 2009**

**Released: March 18, 2009**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* On October 30, 2008, Moran Towing Corporation (Moran) submitted a petition for reconsideration (Petition)<sup>1</sup> of the dismissal of the above-captioned application to renew Moran's ship station license for the vessel Cathleen E. Moran, Call Sign WCA5276.<sup>2</sup> We dismiss the Petition for the reasons set forth below.

2. *Background.* The license for Ship Station WCA5276 was granted on August 3, 1998, with an expiration date of September 30, 2008. On September 5, 2008, Moran filed an application to renew the license via the Commission's Universal Licensing System (ULS). Because payment of the required fee was not received within ten days as required by the Commission's Rules,<sup>3</sup> the application was dismissed on September 24, 2008.<sup>4</sup> The dismissal letter was sent to the address that Moran listed on the renewal application (New Canaan, Connecticut). On October 1, 2008, the Commission's lockbox agent received a check from Moran, showing a Florida address. The check was deposited, as set forth in the Commission's Rules.<sup>5</sup> On October 30, 2008, Moran filed a petition for reconsideration, arguing that it should have been informed that there was a problem with the application, and that the check should not have been deposited after the application was dismissed.<sup>6</sup>

3. *Discussion.* Section 405(a) of the Communications Act of 1934, as amended, as implemented by Section 1.106(f) of the Commission's Rules, requires that a petition for reconsideration be filed within thirty days from the release date of the Commission's action.<sup>7</sup> Because the application was dismissed on September 24, 2008, the last day for filing a petition for reconsideration was October 24, 2008.

4. Moran's Petition was filed on October 30, 2008. Therefore, we find that the Petition was filed late. The Commission has consistently held that it is without authority to extend or waive the statutory

<sup>1</sup> Letter from Greg Zeligman, Operations Manager, Moran Towing of Florida to FCC (Petition).

<sup>2</sup> Pepperell Airport, *Order*, 19 FCC Rcd 9939 (WTB PSCID 2004) (*Order*).

<sup>3</sup> See 47 C.F.R. § 1.1111(c) ("Manual payments must be received no later than ten (10) days after receipt of the application on ULS or the application will be dismissed.").

<sup>4</sup> See Dismissal Letter, Ref. No. 4784059 (Sept. 24, 2008).

<sup>5</sup> See 47 C.F.R. § 1.1111(c) ("Payment received more than ten (10) days after electronic filing of an application on a Bureau/Office electronic filing system (e.g., ULS) will be forfeited.").

<sup>6</sup> See Petition at 1.

<sup>7</sup> 47 U.S.C. § 405(a); 47 C.F.R. § 1.106(f).

thirty-day period for filing petitions for reconsideration specified in Section 405(a) of the Communications Act.<sup>8</sup> The filing requirement of Section 405(a) of the Act applies even if the petition for reconsideration is filed only one day late.<sup>9</sup> Consequently, we conclude that the Petition must be dismissed as untimely filed.<sup>10</sup>

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 Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by Moran Towing Corporation on October 30, 2008, IS DISMISSED.

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

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>8</sup> See *Reuters Ltd. v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986). See also Petition for Amendment of the Commission's Rules to Establish First and Second Class Radiotelephone Operator Licenses, *Order*, 10 FCC Rcd 3196, 3196 ¶ 2 (WTB 1995).

<sup>9</sup> See, e.g., *Panola Broadcasting Co., Memorandum Opinion and Order*, 68 FCC 2d 533 (1978); *Metromedia, Inc., Memorandum Opinion and Order*, 56 FCC 2d 909, 909-10 (1975).

<sup>10</sup> Moreover, if we were to consider the merits of the Petition, we would deny the Petition. The Commission's Rules provide that manual payment of fees associated with an application filed via ULS must be received within ten days, or the application will be dismissed; and that any payment received thereafter will be forfeited. Moreover, Moran was timely notified of the dismissal at the address it listed on the application. That Moran's operations manager in Florida did not learn of the dismissal until later is not attributable to any Commission error or omission.