

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

In the Matter of	)	
	)	
City of Philadelphia, Pennsylvania	)	Call Sign WRBC951
	)	
Request for Waiver of Section 1.946 of the	)	
Commission's Rules	)	

**ORDER**

**Adopted: October 13, 2020****Released: October 14, 2020**

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

1. On May 15, 2019, the Public Safety and Homeland Security Bureau (Bureau) notified the City of Philadelphia (Philadelphia or the City) that the Bureau had placed license, call sign WRBC951, on Termination Pending status because the City failed to meet the construction and construction notification requirements of the Commission's rules.<sup>1</sup> On June 19, 2019, the City filed a Petition for Reconsideration of the notice of termination of its license.<sup>2</sup> We dismiss the Petition as untimely.

2. Section 1.106(f) of the Commission's rules requires that a petition for reconsideration "shall be filed within 30 days from the date of public notice of the final Commission action..."<sup>3</sup> Thus, the deadline for the City to file a reconsideration petition was June 14, 2019, 30 days after the Bureau notified the City of the pending termination. The City, however, did not file its Petition until June 19, 2019. Because the Petition does not meet the requirements of Section 1.106(f), we must dismiss it as untimely.<sup>4</sup>

3. If the City desires to continue operating under the parameters formerly set forth under call sign WRBC951, it must file a new, properly coordinated application. In addition, if the City needs to operate while the application is pending with the Commission, it must immediately file a request for special temporary authority in accordance with Section 1.931 of the Commission's rules.<sup>5</sup>

4. Accordingly, IT IS ORDERED, pursuant to the authority of Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), Section 1.106 of the Commission's Rules, 47 CFR §1.106, and Section 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 405(a), that the Petition for Reconsideration filed by the City of Philadelphia on June 19, 2019, IS DISMISSED.

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<sup>1</sup> See Auto Termination Letter, Reference Number: 6493726 (dated May 15, 2019) (Auto Termination Letter). As a condition of its authorization, the Commission's rules required the City to construct its station, Call Sign WRBC951, by Apr. 10, 2019. 47 CFR § 1.946.

<sup>2</sup> Petition for Reconsideration filed June 19, 2019 by the City of Philadelphia (Petition).

<sup>3</sup> 47 CFR §106(f).

<sup>4</sup> 47 CFR § 1.106(f) is based on Section 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 405(a). Other than in circumstances not present here, this statutory requirement cannot be waived. See *Reuters Ltd. v. FCC*, 781 F2d 946, 951–952 (D.C.Cir.1986).

<sup>5</sup> See 47 CFR § 1.931.

5. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's Rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm  
Chief, Policy and Licensing Division  
Public Safety and Homeland Security Bureau