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Washington, D.C. 20554

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In re: **Gerald Parks**  
DWEKC(AM), Williamsburg, KY  
Facility ID No. 72790  
Application File No. BR-20120410ABU

**Petition for Reconsideration**

Dear Counsel:

We have before us the Petition for Reconsideration filed by Gerald Parks (Parks) on April 20, 2022 (Petition), seeking reinstatement of his license for Station DWEKC(AM), Williamsburg, Kentucky (Station); the “Emergency Request” filed by Parks on April 20, 2022 (Request); and a “Supplement to the Petition for Reconsideration” filed by Parks on July 12, 2022 (Supplement). For the reasons set forth below, we (i) dismiss the Petition as untimely to the extent it seeks reconsideration of the cancellation of the Station’s license and reinstatement of that license; (ii) grant in part and deny in part the Petition to the extent it alleges the Bureau erred in reinstating and granting the 2012 Renewal Application; (iii) dismiss the Emergency Request as moot; and (iv) dismiss the Supplement as untimely.

*Background.* Parks filed a license renewal application for the Station during the prior renewal cycle<sup>1</sup> on April 10, 2012.<sup>2</sup> The Media Bureau (Bureau) withheld action on the 2012 Renewal Application because: (1) the Enforcement Bureau was conducting an investigation into the Station’s compliance with section 73.3526 (Public File Rule) of the Commission’s rules (Rules);<sup>3</sup> and (2) Parks was delinquent in paying his regulatory fees and was in “red light” status with the Office of Managing Director. On April 25, 2017, the Bureau staff emailed Parks and informed him that the Enforcement Bureau had completed

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<sup>1</sup> The prior renewal cycle for radio stations ran from 2011 to 2014. *See Media Bureau Announces Revisions to License Renewal Procedures and Form 303-S; Radio License Renewal Cycle to Commence on May 2, 2011*, Public Notice, 26 FCC Rcd 3809 (MB 2011).

<sup>2</sup> Application File No. BR-20120410ABU (2012 Renewal Application).

<sup>3</sup> *See Gerald Parks*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 15 (EB 2013); Forfeiture Order, 30 FCC Rcd 7038 (EB 2015) (finding that Parks had failed to comply with the Public File Rule by failing to maintain issues/programs lists in the Station’s public inspection file).

its investigation, but that the red light hold remained, and that Parks was required to amend the 2012 Renewal Application, in which he had certified that he had complied with the Public File Rule, a certification which the Enforcement Bureau's investigation had determined was not accurate.<sup>4</sup> Parks took no action to either resolve the redlight hold or to amend the 2012 Renewal Application.

The current renewal cycle ran from 2019 until early 2022,<sup>5</sup> and license renewal applications for stations in Kentucky were due on April 1, 2020.<sup>6</sup> The *Renewal Procedures Public Notice* explicitly warned "Licensees with pending applications from the prior renewal cycle also are subject to these filing requirements." No renewal application for the Station was filed by that deadline,<sup>7</sup> and on July 15, 2020, the Bureau issued a Public Notice stating that the Station's license would expire on August 1, 2020, if Parks did not file a renewal application.<sup>8</sup> Parks did not file a renewal application by that deadline. Finally, on August 6, 2020, the Bureau issued a public notice stating that the license for the Station had been cancelled.<sup>9</sup> Parks did not seek reconsideration. The Bureau also dismissed the 2012 Renewal Application on that day in the Commission's database, CDBS, but did not issue a separate public notice announcing that action. Subsequently, on March 16, 2022, after Parks' counsel contacted the Bureau staff,<sup>10</sup> the Bureau reinstated and granted the 2012 Renewal Application, but the accompanying public notices did not give any explanation for these actions.<sup>11</sup>

On April 20, 2022, Parks filed the Petition. Parks argues that the Bureau erred in reinstating and granting the 2012 Renewal Application but not also simultaneously rescinding the cancellation of the Station's license, claiming that this was mandated by section 307(c)(3) of the Act.<sup>12</sup> Parks states that his counsel contacted the Bureau staff regarding issuing a public notice of the dismissal of the 2012 Renewal Application, and that the reinstatement and grant of the 2012 Renewal Application was "designed to solve the FCC failure to provide public notice with respect to the 2012 Renewal Application while nominally leaving the Station license cancelled."<sup>13</sup> Parks further argues that section 307(c)(3) of the Act mandates that his license continues in effect so long as the 2012 Renewal Application remains subject to agency

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<sup>4</sup> Email from Michael Wagner, Assistant Chief, Audio Division, FCC Media Bureau, to Linda Huguen and Gerald Parks (Apr. 25, 2017, 8:51 AM EDT).

<sup>5</sup> See *Media Bureau Announces Procedures for 2019-2022 Radio License Renewal Cycle*, Public Notice, 34 FCC Rcd 2304 (MB 2019) (*Renewal Procedures Public Notice*).

<sup>6</sup> 47 CFR 73.3539(a).

<sup>7</sup> The Bureau staff sent two e-mails to Parks advising him to file a renewal application. See Email from Dana Butler, Audio Division, FCC Media Bureau, to Gerald Parks (Apr. 8, 3:41 PM EDT); Email from Dana Butler, Audio Division, FCC Media Bureau, to Gerald Parks (Apr. 17, 2020 2:27 PM EDT). Parks does not allege he did not receive these emails.

<sup>8</sup> *Radio License Expirations*, Public Notice, 35 FCC Rcd 7007 (MB 2020) (*Expiration Warning Public Notice*).

<sup>9</sup> *Broadcast Actions*, Public Notice, Report No. 49796 (MB Aug. 6, 2020) (*Cancellation Public Notice*).

<sup>10</sup> Petition at 6.

<sup>11</sup> *Broadcast Applications*, Report No. 30200 (MB Mar. 21, 2022); *Broadcast Actions*, Report No. 52000 (MB Mar. 21, 2022).

<sup>12</sup> Petition at 6 (citing 47 U.S.C. 307(c)(3) ("Pending any administrative or judicial hearing and final decision on such an application and the disposition of any petition for rehearing pursuant to section 405 or section 402 of this title, the Commission shall continue such license in effect.")).

<sup>13</sup> Petition at 6. Parks notes that his counsel was informed by the staff that the license cancellation remained in effect. *Id.*

reconsideration and judicial review.<sup>14</sup> Parks argues that the reinstatement of the 2012 Renewal Application required the Bureau to reinstate the license for the Station, which in turn affords him the opportunity to file the required license renewal application.<sup>15</sup>

Parks also argues that he was not aware of the *Expiration Warning Public Notice*, but he was nonetheless not required to file a renewal application for the 2019-2022 renewal cycle because the 2012 Renewal Application was still pending, and therefore he did not have a license that expired on August 1, 2020.<sup>16</sup> Parks argues that the *Renewals Procedures Public Notice*, of which he was also unaware of, provides no authority for the requirement that stations with pending renewal applications file an additional application for the 2019-2022 renewal cycle, and that such a requirement contradicts the Act.<sup>17</sup>

Parks cites to the Bureau's decisions in *Pollack/Belz Communications Company, Inc.* as an example of the Video Division accepting a renewal application filed days after the expiration of license,<sup>18</sup> and *Magnolia State Broadcasting, Inc.*, as illustrative of the Audio Division accepting a renewal application sixteen months after the expiration of the station's license.<sup>19</sup> In the Supplement,<sup>20</sup> Parks cites to four additional decisions in support of his argument that the Bureau can reinstate an expired license years after cancellation and accept an untimely renewal application: *Pinebrook Corporation, R&M Broadcasting Company, Media Associates, Inc.*, and *Schweitzer Media, Inc.*<sup>21</sup>

*Discussion.* Section 405 of the Act, and section 1.106 of the Rules require any petition for reconsideration to be filed within thirty days of the date upon which the Bureau gives public notice of the decision.<sup>22</sup> The Commission generally lacks the authority to extend or waive the statutory 30-day filing period for petitions for reconsideration.<sup>23</sup>

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<sup>14</sup> Petition at 6-7.

<sup>15</sup> Petition at 7.

<sup>16</sup> Petition at 8-9.

<sup>17</sup> Petition at 9.

<sup>18</sup> *Pollack/Belz Communications Company, Inc.*, Forfeiture Order, 29 FCC Rcd 14635 (MB 2014) (*Pollack/Belz*).

<sup>19</sup> *Magnolia State Broadcasting, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability, DA 22-105 (MB 2022) (*Magnolia*).

<sup>20</sup> Parks states in the Supplement, “[to] the extent leave to file this Supplement is required, Parks respectfully requests that it be granted.” Supplement at n.1. We interpret this as a request to waive section 1.106(f) of the Rules. See 47 CFR § 1.106(f) (“[t]he petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of the final Commission action.”).

<sup>21</sup> *Pinebrook Corporation*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 31 FCC Rcd 11976 (MB 2016); *R&M Broadcasting Company*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 10336 (MB 2011); *Media Associates, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 4085 (MB 2007); *Schweitzer Media, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 4095 (MB 2007).

<sup>22</sup> 47 U.S.C. § 405(a), 47 CFR § 1.106(f).

<sup>23</sup> See *Reuters Limited v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986) (express statutory limitations barred the Commission from acting on a petition for reconsideration that was filed after the due date).

Initially, we note that Park's filings involve two separate sets of actions by the Bureau—the *Cancellation Public Notice*, which cancelled the Station's license and became final in September 2020,<sup>24</sup> and the staff's March 2022 reinstatement and grant of the 2012 Renewal Application, which had no effect on the Station's already cancelled license. In this case, the *Cancellation Public Notice*, which was issued on August 6, 2020, served as formal notification to Parks that the Commission cancelled the Station's expired license.<sup>25</sup> Under the Commission's Rules, if Parks sought reconsideration of the *Cancellation Public Notice*, he was required to file a petition for reconsideration or application for review of the *Cancellation Public Notice* and the cancellation of the Station's license by September 8, 2020.<sup>26</sup> Parks failed to file the required petition for reconsideration or application for review by that date, and the cancellation of the Station's license was final as of September 15, 2020.<sup>27</sup> Parks' arguments regarding the 2012 Renewal Application do not alter the finality of the license cancellation because the status of the 2012 Renewal Application had no bearing on the 2020 cancellation of his license for failure to file a 2020 renewal application. We therefore dismiss the Petition as untimely to the extent it seeks reconsideration of the cancellation of the Station's license and reinstatement of that license.<sup>28</sup>

We reject Parks' argument that the Petition should be considered timely because of the Bureau's failure to issue a separate public notice of the dismissal of 2012 Renewal Application. Any error in not giving public notice of the dismissal of the 2012 Renewal Application was harmless because the dismissal of the 2012 Renewal Application had no impact on the status of the Station's license, which expired by its own terms and was formally cancelled in the *Cancellation Public Notice*.<sup>29</sup> Rather, as clearly stated in the *Expiration Warning Public Notice*, the reason for the cancellation of the Station's license was Parks' failure to file a renewal application in 2020.<sup>30</sup> Moreover, the *Cancellation Public Notice* provided Parks

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<sup>24</sup> 47 CFR § 1.117(a) (providing for 40 days after public notice of the Bureau's decision for the Commission on its own motion to order the record before it for review)..

<sup>25</sup> See 47 CFR § 1.4(b)(4) (defining the term "public notice" and stating that "[i]f the full text of an action document is not to be released by the Commission, but a descriptive document entitled 'Public Notice' describing the action is released, the date on which the descriptive 'Public Notice' is released.").

<sup>26</sup> The 30-day period ran on Saturday, September 5, 2020. Because Saturday, Sunday, and Monday, September 7, 2020 (Labor Day), were holidays as defined by the Rules, a petition for reconsideration or application for review was due on the first business day after September 5, 2020, which was Tuesday, September 8, 2020. See 47 CFR § 1.4(e)(1).

<sup>27</sup> 47 CFR § 1.117(a).

<sup>28</sup> See *Virgin Islands Telephone Corporation v. FCC*, 989 F.2d 1231, 1237 (D.C. Cir. 1993) (upholding the Commission's refusal to entertain a petition for reconsideration where the petition had been filed one day late, and extenuating circumstances did not prohibit the petitioner from filing within the prescribed time limits). See also *Pueblo Radio Broadcasting Service*, Memorandum Opinion and Order, 6 FCC Rcd 1416 (1991) (dismissing petition for reconsideration that was filed one day late); *Metromedia, Inc.*, Memorandum Opinion and Order, 56 FCC 2d 909 (1975) (same); *Panola Broadcasting Co.*, Memorandum Opinion and Order, 68 FCC 2d 533 (1978) (same).

<sup>29</sup> Given that Parks, by his own admission, was unaware of the *Procedures Public Notice*, the *Expiration Warning Public Notice*, and the *Cancellation Public Notice* (Petition at 9, 8, and 3), ignored the Bureau's 2017 email, and ignored both of the Bureau's 2020 emails, it strains credulity to believe that Parks would have responded to a public notice announcing the dismissal of the 2012 Renewal Application.

<sup>30</sup> *Expiration Warning Public Notice*, 35 FCC Rcd at 7007 ("The following stations failed to file license renewal applications and their licenses will expire as of August 1, 2020, provided no renewal application is received by midnight on the date of expiration . . .").

ample notice that his license had been cancelled, and Parks had constructive notice of this action.<sup>31</sup> Parks fails to offer any justification for his failure to respond to the *Expiration Warning Public Notice* or the *Cancellation Public Notice*.<sup>32</sup>

With regard to the Petition's claims concerning the Commission's second set of actions—the reinstatement and grant of the 2012 Renewal Application—we grant the Petition in part to the extent it alleges the Bureau erred in reinstating and granting the 2012 Renewal Application, but we deny the Petition to the extent it claims that these erroneous actions somehow allow Parks to file an untimely petition for reconsideration of the now-final 2020 cancellation of the Station license or to file a renewal application now for the 2020-2028 license term when such application was due in 2020. Initially, we rescind the reinstatement and grant of the 2012 Renewal Application, which were done without any explanation. The 2020 dismissal of the 2012 Renewal Application was a ministerial action triggered by the cancellation of the Station's license.<sup>33</sup> The staff properly dismissed that application in 2020 because the Station's license had expired on August 1, 2020, because he failed to file a renewal application for the August 1, 2020 to August 1, 2028 renewal term. Upon the cancellation of the Station's license, the 2012 Renewal Application became moot because there was no license to renew. Accordingly, we rescind our erroneous reinstatement and grant of the 2012 Renewal Application.

On alternative and independent grounds, even if we accept Parks' argument that the dismissal of the 2012 Renewal Applications was not final, the status of the 2012 Renewal Application did not afford Parks a right to seek reconsideration of the cancellation of his license, because that action was final as of September 15, 2020, forty days after release of the *Cancellation Public Notice* formalizing cancellation of the license on account of Parks' failure to file a 2020 renewal application.<sup>34</sup> We reject Park's argument

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<sup>31</sup> *Pollack/Belz*, 29 FCC Rcd at 14637, para 8 (citing *High Country Communications*, Memorandum Opinion and Order, 4 FCC Rcd 6237 (1989) (issuance of a public notice provides constructive notice to all affected licensees and Bureau is not required to mail a separate copy of public notices)).

<sup>32</sup> To the extent that Parks notes he was not represented by counsel until February of 2022 (Petition at 3), it is well settled that a licensee's failure to obtain counsel does not excuse it from complying with our Rules. *Eagle Broad. Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 594-95, para. 13 (2008) (applicant's pro se status did not exempt it from complying with Commission rules or statutory provisions); *Mandeville Broad. Corp.*, Memorandum Opinion and Order, 2 FCC Rcd 2523, 2524, para. 7 (1987) (“[P]ro se parties do assume the responsibility of conforming with the Commission's Rules and policies.”).

<sup>33</sup> See, e.g., *Terry Keith Hammond*, Letter Order, 22 FCC Rcd 18899 (MB 2007) (dismissal of pending license renewal application and deletion of station call sign, following ALJ order dismissing application, is a ministerial action). The Bureau routinely dismisses any pending applications, including renewal applications, associated with a station upon the cancellation or expiration of a station's license. See, e.g., *Mt. Rushmore Broadcasting, Inc.*, Letter Order, 32 FCC Rcd 3924 (MB 2017) (dismissing license renewal application where station's license had automatically expired under section 312(g)); *Inca Communications, Inc.*, Letter Order, 31 FCC Rcd 7087 (MB 2016) (affirming dismissal of a license renewal application as moot where a station's license had automatically expired under section 312(g)). We reject Park's argument that the dismissal of the 2012 Renewal Application did not meet the requirements of section 309(k) of the Act. Petition at n.3 (citing 47 U.S.C. § 309(k)). Section 309(k)(3) requires a hearing before *denying* a renewal application for failing to meet the renewal requirements in Section 309(k)(1). 47 U.S.C. § 309(k)(3). Here, the Bureau did not *deny* the 2012 Renewal Application, thus Section 309(k)(3) does not apply. Rather, the Bureau *dismissed* the 2012 Renewal Application when it was rendered moot because of Parks' failure to file the required renewal application by August 1, 2020.

<sup>34</sup> 47 CFR § 1.117(a); see also *Riverside Youth & Rehabilitation*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 10360, 10363, para. 7 (MB 2008) (rejecting allegations raised in a petition to deny that were substantially based on issues relating to a granted application that had become final under section 1.117(a)).

that he was not required to file a renewal application for the Station's 2020-2028 license term based on the theory that his 2012 Renewal Application for the Station's 2012-2020 license term was still pending. The Bureau considered and rejected this argument in *Pollack/Belz*, where it held that a licensee must file a renewal application for the current renewal cycle, even if its renewal application from a prior cycle remains pending, because the Commission can only grant a renewal application for a period of 8 years under section 307(c)(1) of the Act.<sup>35</sup> Thus, requiring a licensee to file a renewal application for a subsequent term while a prior renewal application is pending is required to comply with section 307(c)(1).

We note that not only was Parks required to file a second renewal application in 2020, but even if Parks is correct that the 2012 Renewal Application remained pending at that time, had the Bureau granted the 2012 Renewal Application after the Station's August 1, 2020 expiration date, the Bureau would have issued Parks an expired license, because the 2012 Renewal Application was only for a term from August 1, 2012 until August 1, 2020.<sup>36</sup> Thus, even if we accept Parks' argument and had the authority to grant the 2012 Renewal Application, the Station's license still expired in 2020 due to the licensee's failure to file a 2020 renewal.<sup>37</sup>

Additionally, we find that each Bureau decision Parks cites is distinguishable from the one at hand. Park's selection of cases illustrates that he misunderstands the Bureau's processing policy for handling renewal applications filed after a license has expired. As discussed in *Atlantic City Board of Education*, "[t]he Bureau treats a broadcast license as having been cancelled only after it has issued a letter, public notice, or both, affirmatively stating that the license has been cancelled. Such Bureau action begins the period for filing a petition for reconsideration or an application for Commission review of the Bureau's order."<sup>38</sup> If the Bureau does not issue a letter or public notice stating that a station's license has expired, the licensee may indeed file a renewal application at any time after the authorization has expired. But once such a notice is given, as was here, the Bureau will only accept a renewal application for 30 days, consistent with the 30 day period for petitions for reconsideration.<sup>39</sup>

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<sup>35</sup> *Pollack/Belz*, 29 FCC Rcd at 14636-37, paras. 6-8 (citing 47 U.S.C. § 307(c)(1)).

<sup>36</sup> *See id.* at 14636-37, paras. 6 ("Continued operation of a station by a licensee as a result of a pending license renewal application does not change the stated expiration date of the station's prior license or permit the Commission to grant a new license for a period longer than eight years from that date. Such an interpretation would require more than a change in Commission rules or policy; it would require a change in the language of the Act itself.").

<sup>37</sup> Moreover, as noted above, the 2012 Renewal Application was held because of Park's failure to pay the required regulatory fees and his failure to amend the application to correct his certification that he had complied with the public inspection file rules, as requested by the Bureau staff. Under Parks' theory, his own failure to comply with the Rules excused him from timely filing a renewal application during the subsequent renewal cycle. We reject this novel suggestion, which would reward licensees that fail to meet their financial obligations and comply with the Rules.

<sup>38</sup> *Atlantic City Board of Education*, Memorandum Opinion and Order, 31 FCC Rcd 9380, 9383, para. 9 (2016). Moreover, as noted by both the Commission in affirming the Bureau's underlying decision and the D.C. Circuit in affirming *Atlantic City*, the Bureau had taken steps to monitor license expirations at renewal time to reduce the possibility of renewal applications being filed after the expiration of a license. *Press Communications LLC v. Federal Communications Commission*, 875 F.3d 1117, 1124 (D.C. Cir. 2017).

<sup>39</sup> *See, e.g., Christian Family Network, Inc.*, Memorandum Opinion and Order, 31 FCC Rcd 2459 (2016) (upholding dismissal of renewal application filed more than four years after license expiration and more than two and one-half years after Bureau issued cancellation notice to licensee and public notice of cancellation); *Hill Broadcasting Company, Inc.*, Memorandum Opinion and Order, 30 FCC Rcd 10578 (2015) (affirming Bureau dismissal of

In *Pollack/Belz*, the Bureau never issued a public notice or letter cancelling the subject station's license because the licensee filed the required license renewal application two days after the license expired, which, because the license expired on a Saturday, was the first business day after expiration in which the licensee could have filed such an application.<sup>40</sup> Here, Parks never filed such a renewal application before the Bureau issued the *Cancellation Public Notice*, or within 30 days of that action, and was not similarly situated to the licensee in *Pollack/Belz*. In *Magnolia*, the licensee sought reinstatement within a week of the Bureau issuing a public notice cancelling the Station's license, well within the thirty day period for filing a petition for reconsideration.<sup>41</sup> Here, Parks did not seek reinstatement until well over a year after the Bureau gave public notice of the cancellation of his license and after the license cancellation was final. Notably, *Magnolia* is the only decision Parks cites that involves a renewal filed during the 2019-2022 renewal cycle, and the Bureau observed precisely the same procedures as it applied to Parks: issuing a warning public notice prior to the expiration of the Station's license, then issuing a separate public notice within days of the expiration of the license.<sup>42</sup> We thus reject Park's argument that he has been afforded disparate treatment from other licensees. Rather, he was afforded precisely the same treatment as every licensee under the Bureau's license renewal application processing policy.

Likewise, the four cases cited in the Supplement are distinguishable.<sup>43</sup> In *Pinebrook Corporation*, the Bureau dismissed by public notice the licensee's initial renewal application for the 2003-2006 renewal cycle because of a red light issue.<sup>44</sup> However, the Bureau did not issue a letter or public notice stating that the license for Station WINW(AM) had been cancelled. Accordingly, consistent with the Bureau's policy, the licensee was able to file a new renewal application years after the Bureau dismissed its initial renewal application. In contrast, here, the Bureau in fact affirmatively cancelled the license for the Station and gave public notice of that action. Parks failed to timely seek reconsideration of that cancellation action.

In *R&M Broadcasting Company*, the Bureau dismissed by letter and public notice the licensee's initial renewal application for the 2003-2006 renewal cycle because of a redlight issue.<sup>45</sup> In those actions, the Bureau affirmatively cancelled the license for Station KJCB(AM). However, the licensee timely

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petition for reconsideration of expired license where the Bureau gave public notice of that action and the licensee filed a petition for reconsideration more than 30 days after the release of the public notice).

<sup>40</sup> *Pollack/Belz*, 29 FCC Rcd at 14636, para. 5. The Station's license expired on Saturday, June 1, 2012. The required renewal application was filed June 3, 2012, which was the first business day after the expiration date.

<sup>41</sup> *Magnolia* at 1, para. 2.

<sup>42</sup> *Id.* In *Magnolia*, the station's license expired on June 1, 2020, the Bureau issued a warning public notice in May 2020, and issued a separate public notice cancelling the station's license on June 5, 2020. See *Radio License Expirations*, Public Notice, 35 FCC Rcd 4784 (MB 2020); *Broadcast Actions*, Public Notice, Report No. 49753 (MB 2020).

<sup>43</sup> The Supplement is untimely filed and we dismiss it as such. See 47 CFR 1.106(f) (“[t]he petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of the final Commission action”) (emphasis added). Parks provides no explanation as to why he was not able to provide these cases in the Petition. However, in the interest of having a complete record, we will briefly address the cases presented therein.

<sup>44</sup> *Pinebrook Corporation*, 31 FCC Rcd at n.5. See also *Broadcast Actions*, Public Notice, Report No. 45903 (MB 2005).

<sup>45</sup> *R&M Broadcasting Company*, 26 FCC Rcd at 10337-38, paras. 3-4.

sought reconsideration of the cancellation of its license.<sup>46</sup> Here, Parks did not timely seek reconsideration of the *Cancellation Public Notice*.

In *Media Associates Inc.*, although Station KBJM(AM)'s license expired on April 1, 2005, the Bureau did not issue a letter cancelling the station's license until June 27, 2006.<sup>47</sup> The licensee filed a renewal application within 30 days of the Bureau's action cancelling the station's license. Similarly, in *Schweitzer Media, Inc.*, the Bureau never issued a letter or public notice affirmatively cancelling the license of Station KNDC(AM). Thus, the Bureau was able to accept the licensee's renewal application even though it was filed a year after the license had expired. Here, Parks did not file a renewal application for the 2019-2022 renewal cycle until 18 months after the Bureau gave public notice that the Station's license had been cancelled.

The Bureau has no authority to reinstate a cancelled license once the 30-day statutory period for seeking reconsideration has elapsed.<sup>48</sup> Reinstating cancelled authorizations that have become final would frustrate the goal of administrative efficiency.<sup>49</sup> It would also be prejudicial to existing licensees that seek to modify their facilities. Finally, it would discourage future applicants for new facilities through competitive bidding or comparative hearings, as authorizations would be clouded by the possibility of challenges to a cancelled license in perpetuity by a former licensee.<sup>50</sup> Even assuming the Bureau erred in not giving public notice of the dismissal of the 2012 Renewal Application, it nonetheless correctly cancelled the Station's license due to the failure to file a 2020 Renewal Application. No action on the 2012 Renewal Application for the 2012-2020 license term can undo the cancellation of the Station's license, which was based on the Station's failure to file a renewal application for the 2020-2028 license term. Accordingly, we affirm our cancellation of the Station's license and reject the Station's requested relief.

Finally, assuming for the sake of the argument that Parks' Petition for Reconsideration of the Bureau's erroneous grant of 2012 Renewal Application meant that application remained non-final, we reject Parks' claim that section 307(c)(3) requires the Commission to continue the license in effect

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<sup>46</sup> *Id.* at para 3 (“Upon receipt of the *License Expiration Letter*, the Licensee . . . *timely* filed a petition for reconsideration.”).

<sup>47</sup> *Media Associates Inc.*, 22 FCC Rcd at 4085-86, para 2.

<sup>48</sup> Moreover, the Commission lacks authority to do so if it does not order the record before it for review within 40 days after public notice of the Bureau's decision. 47 CFR § 1.117(a).

<sup>49</sup> *CWH Broadcasting, Inc.*, Letter Order, 27 FCC Rcd 2920, 2922 (MB 2012) (“reopen[ing] long-final Commission actions would undercut the goals of administrative efficiency and finality that underlie the statutory limits on seeking reconsideration”).

<sup>50</sup> See *Crystal Broad. Partners*, Memorandum Opinion and Order, 11 FCC Rcd 4680, 4680, para. 6 (1996) (“Strict adherence to the principle of administrative finality in licensing matters advances the public interest. This policy promotes the prompt initiation of service without undue delay. We are sensitive to the legitimate expectation of broadcasters and lenders that the Commission will enforce reconsideration and review deadlines, and recognize that consistent application of the rules establishing finality advances the orderly operation of the media transactional marketplace.”); see also *G.I.G. of North Dakota*, Letter Order, 35 FCC Rcd 5373, 5381 (MB 2020) (reinstating expired licenses would “cast into doubt the finality of all license cancellations, which in turn hinders the ability of the Commission to fulfill its statutory obligations, and to include such spectrum in any potential future auction.”); *Guam Power II*, Memorandum Opinion and Order, 33 FCC Rcd 11273, 11276 (2018) (enforcement of filing deadlines promotes finality and administrative efficiency). In the present case, for instance, the Station's call sign has been reassigned to another licensee, Eastern Kentucky University, on December 24, 2021. See *Media Bureau Call Sign Actions*, Public Notice, Report No. 658 (MB 2022). Parks never challenged this action, and the assignment of the call sign is now final.



pending any subsequent review and thus nullifies any cancellation of the license.<sup>51</sup> Section 307(c)(3), which requires the Commission to “continue [the license under review] in effect” pending a “hearing and final decision” on a renewal application, does not apply when a renewal application has been *granted* without a hearing, as is the case with the 2012 Renewal Application.<sup>52</sup> Rather, section 307(c)(3) addresses situations where a renewal application has been designated for “hearing.” Pending such “hearing and final decision . . . and the disposition of any petition for rehearing,” section 307(c)(3) works to “continue [the license under review] in effect” during that hearing and review period. Section 307(c)(3) does not apply, as here, where an applicant challenges the *grant* of its own renewal application. Indeed, once a renewal application has been granted, there is no cause to “continue [the license under review] in effect” because a new license term commences upon grant.<sup>53</sup>

**Conclusion/Action.** Accordingly, **IT IS ORDERED** that the Petition for Reconsideration filed on April 8, 2022, by Gerald Parks is (1) **DISMISSED AS UNTIMELY** to the extent it seeks reconsideration of the cancellation of the Station’s license and reinstatement of that license; and (2) **GRANTED IN PART AND DENIED IN PART** to the extent it alleges the Bureau erred in reinstating and granting the 2012 Renewal Application.

**IT IS FURTHER ORDERED** that the Emergency Request **IS DISMISSED** as moot.

**IT IS FURTHER ORDERED** that the Supplement **IS DISMISSED** as untimely.

Sincerely,

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

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<sup>51</sup> Petition at 7-9.

<sup>52</sup> 47 U.S.C. § 307(c)(3).

<sup>53</sup> *Cesar Chavez Foundation*, Memorandum Opinion and Order, 33 FCC Rcd 4338, n.43 (2018) (“Despite the filing of the AFR of the Bureau’s decision to grant the renewal application, Section 307(c)(3) did not operate to ‘continue [the license under review] in effect’ once the Renewal Application was granted and the new license term took effect.”).