



Federal Communications Commission
Washington, D.C. 20554

July 28, 2026

DA 26-787
In Reply Refer to:
1800B3-SDW
July 28, 2026

Michael Downes, President
Rainbow Springs Community Radio
19762 SW 85th Lane
Dunnellon, FL 34432

Re: **Rainbow Springs Community Radio**

New LPFM, Dunnellon, Florida
Facility ID No. 788060
Application File No. 0000231731

Petition for Reconsideration

Dear Mr. Downes:

We have before us a petition for reconsideration (Petition)¹ of the dismissal of the above-referenced application (Application)² for a new low power FM (LPFM) station at Dunnellon, Florida (Station), filed by Rainbow Springs Community Radio (RSCR) on December 26, 2024. For the reasons set forth below, we dismiss the Petition on procedural grounds, and alternatively and independently, deny the Petition.

Background. RSCR and Lion of Judah Prophetic Worship Center, Inc. (LJP)³ each filed an application for a new LPFM construction permit during the 2023 LPFM filing window.⁴ The Commission identified these applications as mutually exclusive and designated them as LPFM MX Group 25.⁵ The Commission subsequently conducted a point system analysis, awarding LJP five points, and RSCR four points.⁶ The Commission, therefore, identified LJP as the tentative selectee of LPFM MX Group 25, and, *inter alia*, opened a 60-day period to permit MX applicants, including those that were not identified as a tentative selectee, such as RSCR, to file major change technical amendments.⁷ RSCR did not file a technical amendment during this 60-day period. Accordingly, on December 17, 2024, the Bureau dismissed the RSCR

¹ Pleading File No. 0000261736 (filed Dec. 26, 2024).

² Application File No. 0000231731 (filed Dec. 6, 2023). *See also Actions*, Public Notice, Report No. PN-2-241219-01, 2024 WL 5186514 (MB Dec. 19, 2024) (Dismissal PN)

³ Application File No. 0000231780 (filed Dec. 6, 2023).

⁴ *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, 38 FCC Rcd 6660 (MB 2023). Based on a request from LPFM advocates, the Bureau subsequently delayed the window until December 6, 2023. *Media Bureau Announces Revised Dates for LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 9589 (MB 2023). The Bureau subsequently extended the close of the window until December 15, 2023. *Media Bureau Announces Extension of LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 11882 (MB 2023).

⁵ *Media Bureau Identifies Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Filing Window*, Public Notice, 39 FCC Rcd 2355 (MB 2024). Conflicting LPFM applications, which cannot all be granted consistent with the Commission's technical rules, are considered mutually exclusive.

⁶ *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Window*, Public Notice, 39 FCC Rcd 12006, Attach. A (MB 2024) (*Tentative Selectee Public Notice*). RSCR did not receive the points it claimed for established community presence or as a Tribal applicant.

⁷ *Id.* at 12015.

Application.⁸ RSCR filed the Petition on December 26, 2024. Therein, RSCR states that it seeks a “minor modification . . . to move from 102.9 to 92.3.”⁹

Discussion. The Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission's original order, relies on facts or arguments which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters to the Commission, or relies on facts or arguments unknown to the petitioner and could not have been learned through the exercise of ordinary diligence prior to the last opportunity to present such facts or arguments.¹⁰ RSCR has not met this burden.

At the outset, we dismiss the Petition on procedural grounds. Specifically, we conclude that the pleading fails to satisfy the requirements of section 1.106(d) of the Commission's rules (Rules).¹¹ Under section 1.106(d)(1) of the Rules, petitioners must “state with particularity the respects in which petitioner believes the action taken by the Commission . . . should be changed.”¹² Section 1.106(d)(2) also requires petitions for reconsideration to cite, where appropriate, “the findings of fact and/or conclusions of law which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and conclusions should be changed.”¹³ Although RSCR's pleading was filed in LMS as a petition for reconsideration, the pleading makes no arguments regarding how it believes the Bureau erred. Instead the pleading consists solely of a request for a “minor modification” to change its proposed channel from 102.9 to 92.3. The pleading fails to make the showing required by section 1.106 of the Rules, thus, we dismiss it as procedurally defective.

Additionally, as an alternative and independent basis for our decision, we deny RSCR's Petition on the merits. The proposed channel change request contained in the Petition constitutes a major change technical amendment.¹⁴ Under Section 73.871(c) of the Rules, LPFM applicants may file major change amendments only during the filing window in which they filed the applications being amended.¹⁵ In the *Tentative Selectee Public Notice*, however, the Commission waived section 73.871 of the Rules and opened a 60-day period to permit all mutually exclusive applicants listed in Attachment A of that public notice, whether or not a tentative selectee, to file major change technical amendments.¹⁶ This 60-day period for filing major change technical amendments ended December 15, 2024 at 6:00 p.m. EDT.¹⁷ RSCR did not file its pleading requesting the proposed channel change until December 26, 2024. Accordingly, RSCR's Petition, when considered as a major change technical amendment, is untimely, and therefore, is denied.

⁸ See Dismissal PN.

⁹ Petition at 1.

¹⁰ 47 CFR § 1.106(c), (d); *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964).

¹¹ 47 CFR § 1.106(d)(1)-(2).

¹² *Id.*

¹³ *Id.*

¹⁴ See *Tentative Selectee Public Notice*, 39 FCC Rcd at 12015 (identifying “non-adjacent channel changes” as “major technical amendments”); 47 CFR § 73.870(a)(1) (defining channel changes of no more than +/- three channels or to an intermediate frequency (+/- 53 or 54) channel as minor); 47 CFR § 73.871(c) (providing that only specified minor amendments may be filed after the close of the LPFM filing window).

¹⁵ 47 CFR § 73.871(c).

¹⁶ See *Tentative Selectee Public Notice*, 39 FCC Rcd at 12015.

¹⁷ *Id.*

Conclusion. For the reasons stated above, IT IS ORDERED that the petition for reconsideration filed by Rainbow Springs Community Radio on December 26, 2024 (Pleading File No. 0000261736), **IS DISMISSED AND IN THE ALTERNATIVE IS DENIED.**

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau