

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

In the Matter of:)	
)	
Mobile Relay Associates, Inc.)	File No. 96F160
)	
Finder's Preference Request)	
for Station WNMT733)	
Licensed to Jim Doering)	
At Santiago Peak, California)	

MEMORANDUM OPINION AND ORDER

Adopted: February 1, 2001

Released: February 7, 2001

By the Commission:

1. The Commission has before it an Application for Review, filed on November 8, 1999 by Jim Doering d/b/a J. Doering Communications (“Doering”).¹ Doering seeks review of a decision² by the Wireless Telecommunications Bureau’s Commercial Wireless Division (“Division”), denying Doering’s petition for reconsideration, filed January 24, 1997. The Division upheld the December 27, 1996 grant of a finder’s preference to Mobile Relay Associates (MRA) for Specialized Mobile Radio (SMR) station WNMT733, which was licensed to Doering.

2. First, we find that Doering lacks standing to prosecute the Application for Review. An essential element of standing is that the petitioner must allege facts sufficient to show that grant of the application that it opposes would cause petitioner a direct injury.³ We find that Doering has failed to establish this element based on the fact that after MRA filed its finder’s request, and after the deadline for filing a response to the request, Doering voluntarily submitted its license to the Commission for cancellation. Because Doering has relinquished its interest in the subject license, Doering cannot show that it would be injured by our upholding of the grant of the finder’s request to MRA, and therefore has failed to establish standing.

3. Second, even if we found Doering to have standing in this matter, Doering presents no new arguments in its Application for Review, and we see nothing in the arguments Doering has made that would lead us to change the Division decision.. We therefore uphold the Division's decision for the reasons stated therein. Finally, in its Application for Review and its Supplement to the Application for Review filed on November 24, 1999,⁴ Doering raises certain new procedural and substantive arguments that were not previously raised to the Division. Because these arguments could and should have been

¹ Application for Review of Jim Doering d/b/a J. Doering Communications, filed November 8, 1999.

² *Mobile Relay Associates, Inc.*, 14 FCC Rcd. 17,159 (1999).

³ *AmericaTel Corporation*, 9 FCC Rcd 3993, 3995 (1995) (*citing* *Sierra Club v. Morton*, 405 U.S. 727, 733 (1972)).

⁴ Supplement to Application for Review filed November 24, 1999.

presented earlier in Doering's petition for reconsideration, we dismiss them as untimely filed pursuant to section 1.115(c) of the Commission's rules.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to section 5(c)(5) of the Communications Act, as amended, 47 U.S.C. § 155(c)(5), and section 1.115(g) of the Commission's rules, 47 C.F.R. § 1.115(g), the Application for Review filed by Jim Doering d/b/a J. Doering Communications on November 8, 1999 in the above-captioned proceeding IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary