

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

In the Matter of	)	
	)	
<b>MARLENE V. BORMAN</b>	)	File No. BP-19870303AG
	)	File No. BMAP-20040130AIG
Permittee of Station KWFA(AM),	)	File No. BMP-20060803AQI
Tye, Texas	)	Facility ID No. 40403
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: February 20, 2013**

**Released: February 21, 2013**

By the Commission:

1. The Commission has before it an Application for Review filed on April 21, 2008, by Marlene V. Borman ("Borman"), permittee of unbuilt Station KWFA(AM), Tye, Texas (the "Station"). Borman seeks review of the March 21, 2008, action by the Media Bureau (the "Bureau")<sup>1</sup> denying Borman's petition for reconsideration of the denial of her request for waiver of Section 73.3598 of the Commission's Rules<sup>2</sup> and additional time to construct the Station.<sup>3</sup> The Bureau denied the petition, concluding that circumstances beyond Borman's control were not the primary cause of her failure to construct.

2. Upon review of the Application for Review and the entire record, we conclude that Borman has failed to demonstrate that the Bureau erred. The Media Bureau, in the *Staff Decision*, properly decided the matters raised, and we uphold its decision for the reasons stated therein.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.115(g) of the Commission's Rules,<sup>5</sup> the Application for Review IS DENIED.

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<sup>1</sup> See *Dennis J. Kelly, Esq.*, Letter, 23 FCC Rcd 4786 (MB 2008) ("*Staff Decision*").

<sup>2</sup> 47 C.F.R. § 73.3598.

<sup>3</sup> See *Dennis J. Kelly, Esq.*, Letter, 21 FCC Rcd 2956 (MB 2006) (denying Borman's Request for Expedited Action or, in the Alternative, for Tolling of Construction Period); *Dennis J. Kelly, Esq.*, Letter, Ref. No. 1800B3-IB (Dec. 18, 2006) (denying waiver of the three-year construction period).

<sup>4</sup> 47 U.S.C. § 155(c)(5).

<sup>5</sup> 47 C.F.R. § 1.115(g).

4. IT IS FURTHER ORDERED that, because the Station's construction permit expired on January 22, 2007, the call letters KWFA ARE DELETED, and the Commission's data base will be updated to reflect the expiration of the construction permit, File No. BP-19870303AG.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary