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

In the Matter of	)	
	)	
Little Rock Hispanic Education Family Fundation	)	File No. BNPL-20131114AQI
	)	Facility ID 196053
	)	
Bakersfield Hispanic Education Family Fundation	)	File No. BNPL-20131114AQA
	)	Facility ID 196038
	)	
South Omaha Hispanic Education Family Fundation	)	File No. BNPL-20131115AOZ
	)	Facility ID 197574
	)	
South Lawton Hispanic Education Family Fundation	)	File No. BNPL-20131115AGJ
	)	Facility ID 197539
	)	
South El Paso Hispanic Education Family Fundation	)	File No. BNPL-20131115AEU
	)	Facility ID 196408
	)	
North Eagle Pass Hispanic Education Family Fundation	)	File No. BNPL-20131115AEX
	)	Facility ID 196423
	)	
South Corpus Christi Hispanic Education Family Fundation	)	File No. BNPL-20131115AFE
	)	Facility ID 197525
	)	
North Laredo Hispanic Education Family Fundation	)	File No. BNPL-20131115AFH
	)	Facility ID 196431
	)	
North Odessa Hispanic Education Family Fundation	)	File No. BNPL-20131115AFV
	)	Facility ID 197531
	)	
North Victoria Hispanic Education Family Fundation	)	File No. BNPL-20131115AGD
	)	Facility ID 197536
	)	
North Amarillo Hispanic Education Family Fundation	)	File No. BNPL-20131115AGF
	)	Facility ID 197535
	)	
South Brownsville Hispanic Education Family Fundation	)	File No. BNPL-20131115AGN
	)	Facility ID 197545
	)	
South Tyler Hispanic Education Family Fundation	)	File No. BNPL-20131115AHZ
	)	Facility ID 197547
	)	
Hazler Hispanic Community Radio	)	File No. BNPL-20131112AGC
	)	Facility ID 194082
	)	
Norfolk Community Radio	)	File No. BNPL-20131112AGS
	)	Facility ID 194526
	)	
Pittsburgh Community Radio	)	File No. BNPL-20131112AHW

	)	Facility ID 194566
Salt Lake City Community Radio	)	File No. BNPL-20131112ALQ
	)	Facility ID 194237
	)	
Abilene Hispanic Community Radio	)	File No. BNPL-20131114AOX
	)	Facility ID 195643
	)	
Family Christian Radio of Wichita	)	File No. BNPL-20131114AOZ
	)	Facility ID 195653
	)	
Wichita Falls Cesar Chavez Foundation	)	File No. BNPL-20131114APE
	)	Facility ID 195680
	)	
Temple of Power	)	File No. BNPL-20131112ASB
	)	Facility ID 194050
	)	
Balch Springs Radio de la Comunidad	)	File No. BNPL-20131112ACT
	)	Facility ID 193782
	)	
Mesquite African American Community	)	File No. BNPL-20131112AGL
	)	Facility ID 194457
	)	
North Fort Worth Hispanic Community Church	)	File No. BNPL-20131112AGY
	)	Facility ID 194534
	)	
Cadena Radial Remanente	)	File No. BNPL-20131113ABE
	)	Facility ID 195343
	)	
Cadena Radial Mision y Vision	)	File No. BNPL-20131113ABF
	)	Facility ID 195336
	)	
Laredo Hispanic Community Church	)	File No. BNPL-20131114BUD
	)	Facility ID 196849
	)	
Fundacion Esperanza Viva	)	File No. BNPL-20131115ALQ
	)	Facility ID 197143
	)	
North San Antonio Community Radio	)	File No. BNPL-20131112AHO
	)	Facility ID 194556
	)	
South McAllen Hispanic Education Family	)	File No. BNPL-20131115AFM
Fundation	)	Facility ID 197533
	)	
South Jacksonville Community Radio	)	File No. BNPL-20131112BDZ
	)	Facility ID 194268
	)	
Gary Hispanic Community Radio	)	File No. BNPL-20131112AFY
	)	Facility ID 193842
	)	
North Longview Hispanic Education Family	)	File No. BNPL-20131115ANA
Fundation	)	Facility ID 197552
	)	

	)	
Wichita Falls Hispanic American Family Fundation	)	File No. BNPL-20131114APB
	)	Facility ID 195666
	)	
South Victoria Hispanic Education Family Fundation	)	File No. BNPL-20131115AIB
	)	Facility ID 197550
	)	
North Tampa Community Radio	)	File No. BNPL-20131112AHQ
	)	Facility ID 194557

MEMORANDUM OPINION AND ORDER

Adopted: December 15, 2016 **Released: December 15, 2016**

By the Commission:

1. We have before us the Application for Review (AFR) filed by REC Networks (REC) on September 22, 2016, seeking review of three Media Bureau decisions (collectively, *Staff Decisions*).[1] In the *Staff Decisions* the Bureau denied an Informal Objection (Objection) filed by REC against the above-captioned singleton applications (collectively, Applications) of various applicants (collectively, Applicants) for construction permits for new low-power FM (LPFM) stations filed during the 2013 LPFM filing window and granted the Applications.[2]

2. Under Section 5 of the Communications Act of 1934, as amended (Act), and Section 1.115(a) of the FCC's Rules (Rules) an applicant for review must be a "person aggrieved" by an action taken pursuant to delegated authority.[3] REC states that it is "an advocate for the promotion of a community-based LPFM service" and its "goal is to assure integrity in the licensing process for LPFM stations and the actions of [the Applicants] have hampered our efforts as well as others who support community-based LPFM Stations" and thus is an aggrieved party under Section 5 of the Act.[4]

3. We reject REC's argument that it is "aggrieved" by the *Staff Decisions* and therefore has standing to file the AFR. To show that it is "aggrieved" by an action, an applicant for review must demonstrate a direct causal link between the challenged action and the alleged injury to the applicant, and show that the injury would be prevented or redressed by the relief requested.[5] In the broadcast regulatory

[1] *Little Rock Hispanic Education Family Fundation*, Letter Order, 1800B3-ATS (MB Aug. 23, 2016); *North San Antonio Community Radio*, Letter Order, 1800B3-ATS (MB Aug. 24, 2016); *North Tampa Community Radio*, Letter Order, 1800B3-ATS (MB Sep. 19, 2016) (*NTCR Decision*). The *Staff Decisions* also denied a Petition to Deny filed by Common Frequency against several of the Applications. Common Frequency has not sought reconsideration or review of the *Staff Decisions*. With the exception of the application of North Tampa Community Radio (NTCR Application), no other objections or petitions to deny were filed against the Applications. The *NTCR Decision* denied an informal objection to the NTCR Application filed by Tampa Radio Group (TRG). TRG has not sought reconsideration or review of the *NTCR Decision*.

[2] The Applicants filed an unopposed request for an extension of time in which to file an Opposition on October 11, 2016, and jointly filed an Opposition to the AFR on October 17, 2016. REC filed a Reply on October 27, 2016.

[3] 47 U.S.C. § 155(c)(4); 47 CFR § 1.115(a) ("Any person aggrieved by any action taken pursuant to delegated authority may file an application requesting review of that action by the Commission . . . Any application for review which fails to make an adequate showing in this respect will be dismissed.").

[4] AFR at n.1.

[5] *See, e.g., AT&T Inc. and Deutsche Telecom*, Memorandum Opinion and Order, 27 FCC Rcd 4423, 4425, para. 8 (2012); *WINV, Inc.*, Memorandum Opinion and Order, 14 FCC Rcd 2032, 2033-34, para. 3 (1998).

context, standing is generally shown in one of three ways: (1) as a competitor in the market subject to signal interference; (2) as a competitor in the market subject to economic harm; or (3) as a resident of the station's service area or regular listener of the station.[6] REC has not met any of these requirements, nor has REC even asserted that it has met them. Accordingly, we will dismiss the AFR because REC lacks standing to file it.[7]

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,[8] and Sections 1.115(a) and 1.115(c) of the Commission's Rules,[9] the Application for Review filed by REC Networks, on September 22, 2016, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

[6] *See Clarke Broad. Corp.*, Memorandum Opinion and Order, 11 FCC Rcd 3057, 3057, para. 3 (1996) (holding that where there is no nexus between the challenged application and an applicant for review, the applicant is not "aggrieved" for purposes of 47 CFR § 1.115(a)); *Chet-5 Broad., L.P.*, Memorandum Opinion and Order, 14 FCC Rcd 13041, 13042, para. 3 (1999) ("[W]e will accord party-in-interest status to a petitioner who demonstrates either residence in the station's service area or that the petitioner listens to or views the station regularly, and that such listening or viewing is not the result of transient contacts with the station"); *Office of Comm. of the United Church of Christ v. FCC*, 359 F.2d 994, 1000-06 (D.C. Cir. 1966) (expanding standing from traditional categories of electrical interference or economic injury to station listeners).

[7] *See, e.g.*, *Chapin Enter., LLC*, Memorandum Opinion and Order, 29 FCC Rcd 4250, 4252-53, para. 7 (2014) (dismissing application for review filed by informal objector that did not demonstrate he was aggrieved by Bureau action); *Urban Radio I, L.L.C.*, *Debtor-in-Possession, and YMF Media, New York Licensee LLC*, Memorandum Opinion and Order, 29 FCC Rcd 6389, 6389-90, para 2 (2014) (dismissing application for review where applicants did not show competitive harm or signal interference, do not claim to be listeners of the stations, or show any causal link between any claimed injury and grants at issue). Additionally, the AFR raises several arguments that were not previously presented to the Bureau, specifically that the application of Gary Community Radio (File No. BNPL-20131112AFY) should have been dismissed for violating Section 73.871(c) of the Rules, and 2) that the Applicants' engineer, Antonio Cesar Guel, may have violated 18 U.S.C. § 1001. AFR at 9 and 12. Section 5(c)(5) of the Communications Act of 1934, as amended, and Section 1.115(c) of the Commission's Rules bar applications for review that rely "on questions of fact or law upon which the [designated authority issuing the decision] has been afforded no opportunity to pass." *See* 47 U.S.C. § 155(c)(5); 47 CFR § 1.115(c); *BDPCS, Inc. v. FCC,* 351 F.3d 1177, 1184 (D.C. Cir. 2003) (upholding Commission's order dismissing arguments under Section 1.115(c) because that rule does not allow the Commission to grant an application for review if it relies upon arguments that were not presented below). This serves as a separate and independent basis for dismissing the AFR to the extent it relies on these arguments.

[8] 47 U.S.C. § 155(c)(5).

[9] 47 CFR § 1.115(a), (c).