



Federal Communications Commission
Washington, D.C. 20554

June 21, 2022

In Reply Refer to:
1800B3-TSN

Living Springs Retreat
c/o Donald Martin, Esq.
P.O. Box 8433
Falls Church, VA 22041

B. Jordan Communications Corporation
c/o Michelle Bradley, CBT
REC Networks
11541 Riverton Wharf Road
Mardela Springs, MD 21837

Life Radio Ministries, Inc.
c/o Joseph C. Chautin, III
Hardy, Carey, Chautin & Balkin, LLP
1080 West Causeway Approach
Mandeville, LA 70471

In re: Noncommercial Educational Filing Window
MX Group 62

Dear Applicants:

We have before us three applications, constituting MX Group 62 in the November 2021 Noncommercial Educational (NCE) filing window. Living Springs Retreat (LSR) filed for a new station at Bowdon, Georgia;¹ B. Jordan Communications Corporation (Jordan) and Life Radio Ministries, Inc. (LRM) both filed for new stations at Franklin, Georgia.² Due to a ministerial error, the Media Bureau (Bureau) granted LSR a construction permit at Bowdon, and dismissed Jordan's and LRM's applications. Accordingly, we rescind the grant to LSR, return all three applications to pending status, and the Commission will evaluate MX Group 62 under the Commission's point system for resolving mutual exclusivity among applicants for new NCE stations.

Background. All three applicants in MX Group 62 timely filed applications in the November 2021 NCE filing window. LSR subsequently amended its application on February 28, 2022. Initially, the Bureau overlooked the LSR amendment and incorrectly announced LSR as the tentative selectee for MX Group 62 in the March 24, 2022, *Fair Distribution Order*.³ LSR then informed the staff that its tentative selection was based on LSR's original application and not the amended application. Based upon the NCE

¹ File No. 0000167119.

² File No. 0000166112 (Jordan); File No. 0000165527 (LRM).

³ *Threshold Fair Distribution Analysis of 19 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, DA 22-314, at paras. 15, 38 (MB Mar. 24, 2022) (*Fair Distribution Order*).

service levels provided in the amended LSR application, LSR did not qualify for a fair distribution preference. Under the authority of section 1.113(a) of the Commission's rules,⁴ the Bureau issued an *Erratum* on April 1, 2022, correcting the *Fair Distribution Order* and removing any consideration of the applications in MX Group 62 from that order.⁵ However, due to a clerical error, the Bureau subsequently granted LSR's application, issued an authorization, and dismissed the Jordan and LRM applications, based on the pre-*Erratum* finding in the *Fair Distribution Order*.⁶

Discussion. Under section 1.113(a) of our rules, "[w]ithin 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion."⁷ The Bureau's action removing any consideration of MX Group 62 in the *Fair Distribution Order* was taken on the Bureau's own motion within 30 days after release of that order and was therefore valid. The subsequent action granting LSR's application and issuing the authorization was due to a clerical error and was based on the original *Fair Distribution Order*, before it was modified by the *Erratum*. A ministerial error is an error involving arithmetic functions, clerical errors, and any other type of unintentional error,⁸ and may be corrected at any time.⁹ We therefore correct this ministerial error.

Conclusion. Accordingly, on our own motion, the grant of LSR's application, File No. 0000167119, IS RESCINDED. The applications of Jordan, File No. 0000166112, and LRM, File No. 0000165527, ARE RETURNED TO PENDING STATUS. The three applications in Group 62 will be evaluated under the Commission's point system for NCE applicants.¹⁰

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁴ 47 CFR § 1.113(a).

⁵ *Threshold Fair Distribution Analysis of 19 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Erratum, DA 22-314 (MB Apr. 1, 2022) (*Erratum*).

⁶ *Actions*, Public Notice, Report No. PN-2-220428-01 (MB Apr. 28, 2022).

⁷ 47 CFR § 1.113(a).

⁸ *See, e.g., Florida Atlantic University*, Order on Reconsideration, 22 FCC Rcd 12839, 12842, para. 9 (WTB 2007) (citing *Zenith Electronics Corp. v. U.S.*, 884 F.2d 556, 560-61 (Fed. Cir. 1989)).

⁹ *Florida Atlantic University*, *supra* note 8, 22 FCC Rcd at 12842, para. 9.

¹⁰ 47 CFR § 73.7003.