



Federal Communications Commission
Washington, D.C. 20554

December 7, 2022

DA 22-1266
In Reply Refer to:
1800B3-ATS
Released December 7, 2022

Perdomo Media Group
c/o Quilvio Perdomo
25 Woodman St
Providence, RI 02907
(sent by email to: qperdomo@radiosharon.com)

In re: **DWALE(AM), Greenville, RI**
Cumbre Communications Corp
Facility ID No. 49128
Application File No. BL-19990611AE

Application for Review

Dear Applicants:

We have before us the Application for Review (AFR) filed on May 27, 2022,¹ by Perdomo Media Group (Perdomo) requesting that the Commission reinstate the expired license of Station DWALE(AM), Greenville, Rhode Island (Station), which was formerly licensed to Cumbre Communications Corp. (Cumbre), and assign it to Perdomo, or alternatively open an auction in which Perdomo could bid for the Station's channel. For the reasons discussed below, we dismiss the AFR as procedurally defective pursuant to section 1.115(d) of the Commission's rules (Rules).²

Background. On April 1, 2014, the staff informed Cumbre that its license for the Station had expired on that date because the Station had failed to file a license renewal application.³ Cumbre did not file a petition for reconsideration of the *License Expiration Letter* nor did it subsequently submit a late-filed license renewal application. Thus, the license expiration became final. The Commission did not receive any further correspondence concerning the Station until Perdomo submitted the AFR.

In the AFR, Perdomo expresses its desire to restore the Station, and requests that the Commission reinstate the license or open an AM auction so Perdomo can restore the Station.⁴ The AFR is accompanied by a "Voluntary Statement" jointly filed by Cumbre and Perdomo, in which Cumbre states that it has declared bankruptcy and no longer exists, but that it supports Perdomo's efforts to recover the Station's license, either by assigning the license or opening an auction.⁵

¹ Application for Review of Perdomo Media Group, File No. BL-19990611AE (filed May 27, 2022). Although the pleading is dated May 24, 2022, it was emailed to the staff on May 27, 2022. Email from Quilvio Perdomo to James Bradshaw, Audio Division, FCC Media Bureau (May 27, 2022 1:26 PM EDT). CDBS was no longer available for filing applications for review by this date. We will thus consider it filed on May 27, 2022. See *Media Bureau Announces New Procedures for All Filings Currently Submitted in the Consolidated Database System (CDBS); CDBS Filings to Sunset on January 12, 2022*, Public Notice, DA 22-29 (MB Jan. 11, 2022).

² 47 CFR § 1.115(d).

³ See *Letter to Craig Rapoza from Peter H. Doyle*, Ref. 1800B3-VM (MB Apr. 1, 2014) (*License Expiration Letter*). See also *Broadcast Actions*, Public Notice, Report No. 47408 (MB Apr. 11, 2014). The Station was required to file the renewal application by December 1, 2013. See 47 CFR § 73.3539(a).

⁴ AFR at 2.

⁵ *Id.* at 1.

Discussion. Section 1.115(d) states that an “application for review and any supplemental thereto shall be filed within 30 days of public notice of such action.”⁶ In this case, the most recent “action” that was potentially subject to review is the *License Expiration Letter*, which appeared on Public Notice on April 11, 2014.⁷ The deadline for filing an application for review of that decision was 30 days after the issuance of the Public Notice, May 12, 2014.⁸ However, Perdomo filed the AFR eight years after the deadline, on May 24, 2022. Therefore, we dismiss the AFR as untimely.⁹ If the Commission announces a future AM auction filing window, Perdomo may then request that the Station’s former frequency be included in that auction, and file an application for that frequency during the window.¹⁰

Conclusion/Action. Accordingly, **IT IS ORDERED** that the Application for Review filed by Perdomo Media Group on May 27, 2022, **IS DISMISSED**, pursuant to sections 1.115(d) and 0.283(b) of the Commission’s rules.¹¹

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁶ 47 CFR § 1.115(d).

⁷ 47 CFR § 1.4(b)(4).

⁸ The 30-day deadline was Sunday, May 11, 2014. Accordingly, a timely application for review should have been filed the next business day, Monday, May 12, 2014. *See* 47 CFR § 1.4(e)(1).

⁹ *See* 47 CFR § 0.283(b) (delegating to the Media Bureau authority to dismiss applications for review that do not comply with section 1.115(d)); *see also Garnerlynn Communications*, Memorandum Opinion and Order, 99 FCC 2d 1176, 1177 n.2 (1984) (staff may dismiss untimely application for review); *Hurricane Bible Church*, Letter Order, 21 FCC Rcd 1425 (MB 2006) (untimely application for review dismissed by the bureau staff); *Board of Education of the City of Atlanta*, Memorandum Opinion and Order, 11 FCC Rcd 7763, 7765-6, para. 6 (1996) (application for review filed one day late dismissed by the Commission as untimely).

¹⁰ *See, e.g., Auction of AM and FM Broadcast Construction Permits Scheduled for July 27, 2021; Comment Sought on Competitive Bidding Procedures for Auction 109*, Public Notice, 36 FCC Rcd 1409 (MB/OEA 2021).

¹¹ 47 CFR §§ 1.115(d); § 0.283(b).