



Federal Communications Commission
Washington, DC 20554

September 4, 2019

In reply refer to: 1800B3-VM

Aaron P. Shainis, Esq.
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1850 M Street, N.W., Suite 240
Washington, DC 20036

In re: DWNBN(AM), Meridian, MS
Facility ID No. 22294
Petition for Reconsideration

Dear Mr. Shainis:

This letter concerns the Petition for Reconsideration (Petition) you filed on July 24, 2018 of our June 20, 2018 Letter Order dismissing the pending renewal application (Application)¹ of Station DWNBN(AM), Meridian Mississippi as improperly filed, and finding that the license had expired by its own terms.² The Petition asks on reconsideration that the renewal application and the license be reinstated. For the following reasons, we deny reconsideration.

Background. The Letter Order dismissed the Application because it was filed on February 10, 2012, and signed by Mr. Eddie Rackley without revealing or ever being amended to show that the licensee, Frank Rackley, Jr., had died on January 25, 2011.³ The Letter Order also determined that the Station's License expired by its own terms on June 1, 2012, because no valid renewal application was ever filed.

On reconsideration, the Petition argues that the Application should be reinstated because Mr. Eddie Rackley was operating without counsel and was unfamiliar with the Commission's rules (Rules). The Petition cites no rule or precedent in support of its argument.

Discussion. The Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission's original order or raises changed circumstances or unknown additional facts not known or existing at the time of petitioner's last opportunity to present such matters.⁴ The Petition has failed to meet this burden.

Nothing in the Petition shows a material error in the Bureau's decision or raises facts that were not available at the time the Bureau issued the Letter Order. As stated above, the Petition cites no Rule or precedent in support of its argument that lack of counsel excuses a failure to comply with our Rules. It is well settled that parties that act *pro se* assume the responsibility of complying with the Rules.⁵

¹ File No. BR-20120210ABF.

² Letter Order from Albert Shuldiner, Chief, Audio Division, Media Bureau, FCC to Mr. Eddie J. Rackley, Administrator, and Mr. Jimmie L. Hopson, Ref. No. 1800B3-VM, (June 20, 2018) (Letter Order).

³ Eddie Rackley filed an assignment application showing his status as administrator of the Frank Rackley, Jr. estate on December 7, 2017. See File No. BAL-20171207ABE.

⁴ See 47 CFR § 1.106; *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686, para. 3 (1964), *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 387 U.S. 967 (1966); and *National Ass'n of Broadcasters*, Memorandum Opinion and Order, 18 FCC Rcd 24414, 24415, para. 4 (2003).

⁵ See *Eagle Broadcasting Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 595 (2008) (applicant's *pro se* status did not exempt it from complying with Commission rules or statutory provisions); *Mandeville*

It is undisputed that the Application was signed by Eddie Rackley (in the purported role of “Officer”) after the death of the licensee. Section 73.3513(a)(1) of the Rules requires that the individual applicant sign the application “if the application is an individual.”⁶ Eddie Rackley knew that the licensee was deceased and could not comply with this Rule, but he did not request a Rule waiver and did not disclose the licensee’s death. The Letter Order correctly dismissed the Application as a defective application in accordance with Section 73.3566(a) of the Rules.⁷

Conclusion/Actions. Accordingly, IT IS ORDERED that the Petition for Reconsideration filed on July 24, 2018, IS DENIED.

Sincerely

A handwritten signature in black ink, appearing to read "Albert Shuldiner", with a stylized flourish at the end.

Albert Shuldiner
Chief, Audio Division
Media Bureau

Broadcasting Corp., Memorandum Opinion and Order, 2 FCC Rcd 2523, 2524 (1987) (“[P]ro se parties do assume the responsibility of conforming with the Commission’s Rules and policies.” (citations omitted)).

⁶ 47 CFR §73.3513(a)(1).

⁷ 47 CFR §73.3566(a). *See, e.g., Mary Ann Salvatoriello*, Memorandum Opinion and Order, 6 FCC Rcd 4705, 4706 (1991) (the signature requirement “provides assurance that the applicant has personally reviewed the application and can be held responsible for the truth and accuracy of the statements therein”).