

Alexander Sanjenis

From: Alexander Sanjenis
Sent: Thursday, January 18, 2018 3:27 PM
To: 'jwinston@rwdhc.com'
Cc: Tom Hutton (Tom.Hutton@fcc.gov); James Bradshaw
Subject: Sound of Hope Petition for Reconsideration

Mr. Winston,

We received your two petitions for reinstatement filed on behalf of Sound of Hope. As you noted in your email to Jim Bradshaw, the first petition was erroneously filed without a supporting exhibit. We have deleted this filing from CDBS.

Regarding the correctly-filed Petition, we are dismissing it by public notice as an untimely petition for reconsideration of a final order. *See* 47 U.S.C. § 405; 47 CFR § 1.106(f).

The Petition requests requesting reinstatement of the construction permit application *as originally filed* so that Sound of Hope may enter into a time share with Morton College at its original transmitter site. This issue was addressed thoroughly in the series of decisions you referenced in the Petition, the most recent of which is the Bureau's order issued on June 12, 2017 (32 FCC Rcd 5264). We have held that we will not permit a party to style what is effectively a petition for reconsideration under a different title to circumvent statutory limits on petitions of reconsideration (*See CWH Broadcasting*, Letter Order, 27 FCC Rcd 2920 (MB 2012)). As the petition for reinstatement effectively seeks reconsideration of prior Commission action, we will treat it as such. Sound of Hope did not timely challenge the June 12, 2017 decision, either with the Commission or the U.S. Court of Appeals for the D.C. Circuit. That order is now long since final, and we will not revisit it. In particular, we note that a related change in circumstances (cancellation of the authorization for DWJPC-LP, Chicago, IL) does not qualify as an exception to finality under 47 U.S.C. § 405 or 47 CFR § 1.106(f).

Accordingly, we are dismissing the petition for reinstatement as an untimely petition for reconsideration. We also note that although the Commission dismissed your Application for Review, it did note that it would have denied the relief you requested (31 FCC Rcd 13759, para. 4). Accordingly, we would again deny Sound of Hope's request to return to the transmitter site specified in its *original* application for the reasons stated therein.

We note that Sound of Hope's underlying construction permit application, BNPL-20131114BNK, *as amended* on December 8, 2014, was granted on January 14, 2015, and the construction permit issued to Sound of Hope was never cancelled by the Bureau. The covering license application, BLL-20180116AAJ, remains pending and will be acted by the Bureau in due course. We will also process any facilities modification application that Sound of Hope submits in accordance with 47 CFR § 73.875.

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