SECOND ORDER ON RECONSIDERATION OF THE SECOND REPORT AND ORDER

Adopted: March 24, 2008

Released: March 26, 2008

By the Commission:

1. In this Second Order on Reconsideration, we formally deny a Petition for Expedited Reconsideration ("Petition") filed in this proceeding by Council Tree Communications, Inc., Bethel Native Corporation, and the Minority Media and Telecommunications Council (collectively, the "Joint Petitioners").

2. The Petition sought reconsideration of various decisions we made in the Second Report and Order released on April 25, 2006, which modified our Part 1 competitive bidding rules governing designated entities, including rules on eligibility for benefits and unjust enrichment. The Second Report and Order was published in the Federal Register on May 4, 2006. Joint Petitioners filed their Petition on May 5, 2006. On June 2, 2006, prior to the deadline for filing petitions for reconsideration of the Second Report and Order, we released, sua sponte, an Order on Reconsideration, which considered and rejected

1 Petition for Expedited Reconsideration, filed by Council Tree Communications, Inc., Bethel Native Corporation, and the Minority Media and Telecommunications Council, dated May 5, 2006 (the "Petition").


4 See 47 C.F.R. §§ 1.4, 1.429.
the arguments included in the Petition without formally denying the Petition.\(^5\) The Order on Reconsideration was published in the Federal Register on June 14, 2006.\(^6\)

3. In a July 2006 letter to the Commission, Joint Petitioners stated that the Commission had already decided the merits of the Petition and that the Joint Petitioners were no longer seeking reconsideration.\(^7\) Accordingly, they ask that we formally dispose of their Petition in order to take “the de jure action” we had already “taken de facto.”\(^8\) We agree with Joint Petitioners that we already decided the merits of the Petition in the Order on Reconsideration. As Joint Petitioners have stated, the Order on Reconsideration “was . . . a conclusive rejection of Petitioners’ legal arguments,”\(^9\) and, as such, we need go no further here.

4. Accordingly, IT IS ORDERED that pursuant to Sections 4(i), 5(b), 5(c)(1), 303(r), and 309(j) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 155(b), 155(c)(1), 303(r), and 309(j), the Petition is hereby DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

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\(^6\) 71 Fed. Reg. 34,272 (June 14, 2006).

\(^7\) Letter, filed by Dennis P. Corbett and S. Jennell Trigg, Counsel for the Joint Petitioners, to Marlene H. Dortch, Secretary, Federal Communications Commission, dated July 24, 2006.

\(^8\) Id. at 2.