

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of) EB-00-IH-0414
) EB-00-IH-0504
ISOTHERMAL COMMUNITY COLLEGE)
)
Licensee of Noncommercial Educational Station) Facility ID #29262
WNCW(FM), Spindale, North Carolina)

MEMORANDUM OPINION AND ORDER

Adopted: November 7, 2002

Released: November 12, 2002

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Memorandum Opinion and Order*, we dismiss the joint petition for reconsideration filed January 7, 2002, by National Federation of Community Broadcasters (“NFCB”), National Public Radio, Inc. (“NPR”), and The Development Exchange, Inc. (“DEI”), national organizations which represent and variously provide programming, marketing and consulting services to noncommercial broadcasters. In addition, on our own motion, we modify the decision in *Isothermal Community College*, 16 FCC Rcd 21360 (Enforcement Bureau 2001) (“*Admonishment Order*”) by deleting Paragraph 9 of the ruling.

II. BACKGROUND

2. The joint petitioners, who did not participate in the underlying proceeding, now seek reconsideration of our December 6, 2001, *Admonishment Order*. That decision, in response to complaints, admonished Isothermal Community College (“Isothermal”), licensee of the captioned noncommercial radio station, for violating 47 U.S.C. § 399b and 47 C.F.R. § 73.503, which prohibit the broadcast of paid advertisements in the noncommercial service, and for failing to properly maintain its public file as required by 47 C.F.R. § 73.3527. The joint petitioners argue that certain *dicta* in that Order, contained in Paragraph 9, should be modified or reversed. Isothermal, the station’s licensee, did not participate in the joint petition or file a separate petition for reconsideration or application for review.

III. DISCUSSION

3. Joint petitioners have not demonstrated that their “interests are adversely affected” by the Order, as required by the Act and the Commission’s rules.¹ Concern about the precedential effect of an adjudicatory decision does not satisfy this standard.² However, on our own motion, we modify the underlying decision by deleting Paragraph 9, which consisted solely of *dicta*.

¹ 47 U.S.C. § 405(a); 47 C.F.R. § 1.106(b)(1).

² See, e.g., *AT&T Corp v. Business Telecom, Inc.*, 16 FCC Rcd 21750 (2001).

IV. ORDERING CLAUSES

4. Accordingly, IT IS ORDERED, pursuant to Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. § 405, and Section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that the joint petition for reconsideration filed January 7, 2002, by NFCB, NPR, and DEI IS DISMISSED. In addition, Paragraph 9 of the December 6, 2001, *Admonishment Order* IS DELETED.

5. IT IS FURTHER ORDERED THAT copies of this Order shall be sent by Certified Mail, Return Receipt Requested, to the National Federation of Community Broadcasters, Fort Mason Center, Building D, San Francisco, California 94123; National Public Radio, Inc., c/o Office of General Counsel, 635 Massachusetts Avenue, NW, Washington, DC 20001; and The Development Exchange, Inc., 1645 Hennepin Avenue, Suite 312, Minneapolis, Minnesota 55403.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

