



**Federal Communications Commission
Washington, D.C. 20554**

May 4, 2010

DA 10-771

In Reply Refer To:

1800B3-RBG

Released: May 4, 2010

Ms. Amy Meredith
Powell Meredith Communications Co.
908 Meadow Creek 1076
Irving, Texas 75038

In re: KHNY(AM), Big Horn, Wyoming
Facility ID No. 161192
File No. BMP-20080401AQR

**Petition for Reconsideration of Denial
of Construction Permit Application**

Dear Ms. Meredith:

This refers to your Petition for Reconsideration filed June 15, 2009, concerning the denial of an application (File No. BMP-20080401AQR) to modify the construction permit of Station KHNY(AM), Big Horn, Wyoming (the "Station"), to specify Huntley, Montana, as the community of license, and to make other associated changes.¹

Section 405(a) of the Communications Act of 1934, as amended,² states that any party aggrieved by an order, decision, report, or action of the Commission, or of any designated authority within the Commission, may file a petition for reconsideration of that order, decision, report or action within thirty days from the date upon which public notice of the order, decision, report, or action is given. This thirty-day period is statutory and cannot be waived or extended by the Commission, except in "extraordinary circumstances," such as where the late-filing is due to the Commission's failure to give a party timely notice of the action for which reconsideration is sought.³

The letter denying the Station's construction permit application was dated May 5, 2009. Report No. 46981, released May 8, 2009, gave public notice of the denial of that application. Accordingly, the day after the release date, namely, May 9, 2009, marked the beginning of the thirty-day period for filing a petition for reconsideration.⁴ Any such petition was due no later than June 8, 2009.⁵ The Station's

¹ The original construction permit for the Station is still in effect and will expire on June 20, 2010 unless a license application is submitted by that date. See FCC File No. BNP-20050913ABJ.

² 47 U.S.C. § 405(a).

³ See *Gardner v. FCC*, 530 F. 2d 1086 (D.C. Cir. 1976).

⁴ See Section 1.4(b) of the Commission's Rules. 47 C.F.R. § 1.4(b).

⁵ See Sections 1.4(e) and 1.4(j) of the Commission's Rules. 47 C.F.R. §§ 1.4(e) and 1.4(j). June 8 was the first business day after the thirty-day period ended on Sunday, June 7, 2009.

Petition for Reconsideration was received by the Commission on June 15, 2009, seven days after the end of the thirty-day statutory period for filing a petition for reconsideration. Further, the Station has not presented “extraordinary circumstances” that would justify a waiver or extension of the thirty-day statutory filing period.⁶ Therefore, the Station’s Petition for Reconsideration must be dismissed as untimely.

Accordingly, the Petition for Reconsideration filed on June 15, 2009 by Powell Meredith Communications Co. IS DISMISSED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁶ See footnote 3, *supra*.