

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

In the Matter of)	
)	File Nos. BP-20111, as modified by
Royce International Broadcasting Company)	BMAP-20001020AAT
)	
Request for Additional Time to Construct New)	
Unbuilt Station KIEV(AM), Culver City, California)	Facility ID No. 57893

MEMORANDUM OPINION AND ORDER

Adopted: June 27, 2011

Released: June 28, 2011

By the Chief, Audio Division, Media Bureau:

1. We have before us: (a) a July 7, 2008, Petition for Reconsideration (“Petition”) of the Commission’s *Decision*¹ filed by Royce International Broadcasting Company (“Royce”), the former permittee of unbuilt Station KIEV(AM), Culver City, California (“Station”); (b) Oppositions to that Petition filed by Levine/Schwab Partnership (“LSP”) and Ontario Broadcasting, LLC (“Ontario”); and (c) a Reply to the Opposition pleadings filed by Royce. The Commission’s *Decision* affirmed the decision of the Media Bureau (“Bureau”) denying Royce’s request for additional time to construct the Station and dismissed Royce’s untimely Application for Review of that decision. For the reasons discussed below, we dismiss the Petition pursuant to Sections 1.106(b)(3) and 1.106(p) of the Commission’s rules (the “Rules”).²

2. Sections 1.106(b)(3) and 1.106(p) of the Rules provide that the Bureau may dismiss a petition for reconsideration of a Commission decision affirming a prior Bureau decision in the case if the petition fails to rely on new facts or changed circumstances. Royce’s Petition reiterates arguments already considered and rejected in the Commission’s *Decision*.³ To the extent the Petition presents any new arguments, those arguments could have been raised previously in the proceeding because they involve matters that occurred in 2001 and 2004.⁴ Our Rules and precedent clearly provide that we will not consider petitions for reconsideration which rely on facts or theories that could have been presented earlier in the proceeding.⁵

¹ *Royce International Broadcasting Co.*, Memorandum Opinion and Order, 23 FCC Rcd 9010 (2008) (“*Decision*”).

² 47 C.F.R. §§ 1.106(b)(3) and 1.106(p). See *Barry Wood, Esq.*, Letter, 24 FCC Rcd 13666 (MB 2009) (Bureau dismisses petition for reconsideration as repetitious under Section 1.106(b)(3)) (“*Wood*”).

³ The Petition seeks to reargue whether LSP and Ontario would be prejudiced by a waiver of the filing deadline for Royce’s untimely Application for Review. See Petition at 2-7 (rearguing the *Decision*’s conclusion in ¶ 13 that those parties could be prejudiced). Longstanding Commission policy holds that petitions for reconsideration may not be used to reargue points previously rejected. See *Wood*, 24 FCC Rcd at 13667 and n. 3.

⁴ Petition at 3-4 and 9-13 (presenting arguments about the prospects for applications filed by LSP and Ontario in 2004 to ripen into grants and about the significance of a condition placed on a construction permit modification application filed by Royce and granted by the Bureau in 2001).

⁵ See 47 C.F.R. § 1.106(b)(2), as modified in *Amendment of Part 1 Rules and Part 0 Rules*, Report and Order, 26 FCC Rcd 1594 (2011); *Minority Television Project, Inc.*, Memorandum Opinion and Order, 20 FCC Rcd 16923 (2005); *Carolyn S. Hagedorn*, Memorandum Opinion and Order, 11 FCC Rcd 1695, 1696 (1996).

3. Accordingly, IT IS ORDERED that the Petition for Reconsideration filed by Royce International Broadcasting Company on July 7, 2008, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau