

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

In the Matter of )
)
Amendment of Section 73.622(b) ) MM Docket No. 00-121
Table of Allotments ) RM-9674
Digital Television Broadcast Stations )
(Kingston, New York) )
)
WRNN-TV Associates Limited Partnership ) File No. BPCDT-20020130AAQ
)
For a Construction Permit )
for Digital Television Broadcast Station )
WRNN-DT, Kingston, New York )

MEMORANDUM OPINION AND ORDER

Adopted: February 4, 2004

Released: February 5, 2004

By the Chief, Media Bureau:

1. The Commission, by the Chief, Media Bureau, has before it a Petition for Reconsideration filed by WKOB Communications, Inc. ("WKOB"), licensee of WKOB-LP, New York, New York, regarding the denial of its Application for Review of the change in the digital television channel allotment for WRNN-TV, Kingston, New York, from DTV Channel 21 to DTV Channel 48. See Report and Order, Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Kingston, New York), 17 FCC Rcd 1485 (MB 2002), reconsideration denied, 17 FCC Rcd 14326 (MB 2002), review denied, 18 FCC Rcd 18428 (2003). WRNN-TV Associates Limited Partnership ("WRNN"), licensee of WRNN-TV, filed an opposition to WKOB's pleading, and WKOB filed a reply thereto.

2. Throughout this proceeding, WKOB has opposed WRNN's proposed DTV channel change on the basis that it would effectively displace WKOB-LP's operation on Channel 48 in New York City. The Chief, Video Division, acting pursuant to delegated authority, found that WKOB-LP, as a secondary service, was not entitled to protection from WRNN's digital proposal, and that WRNN's proposed channel change met appropriate technical requirements and otherwise furthered the Commission's goals with respect to the establishment of digital television service. WKOB unsuccessfully sought reconsideration of the approval of WRNN's proposal, and the Commission recently upheld the staff's findings and approval of the requested channel change.

3. WKOB now seeks reconsideration of the Commission's denial of its Application for Review. It "recognizes that the issues have been thoroughly argued in this proceeding." Nevertheless, "WKOB again urges the Commission to review its holdings, . . . re-evaluate them and . . . come to the conclusion that the allotment decision cannot stand up on judicial review."

4. We find that WKOB has not specified, as required by the Commission's rules, any factors that warrant further Commission review. A petition for reconsideration of the denial of an application for review will be entertained only if it relies on changed facts or circumstances either occurring after the last opportunity to present them to the Commission, or previously unknown to the petitioner which could not have been reasonably discovered earlier. *See* 47 C.F.R. §1.106(b)(2). WKOB acknowledges that its arguments have been thoroughly considered in this proceeding, and it offers nothing new in that regard. Pursuant to 47 C.F.R. §1.106(b)(3), the petition for reconsideration will be dismissed as repetitious. The Commission will not grant reconsideration merely to readdress matters previously raised and properly resolved.

5. Accordingly, IT IS ORDERED, That the Petition for Reconsideration IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree  
Chief, Media Bureau