

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In re Application of	)	
	)	
MINNESOTA CHRISTIAN	)	File No. BPH-19950601MA
BROADCASTERS, INC.	)	Facility ID No. 76432
	)	
For a Construction Permit for a New FM Station	)	
at Pequot Lakes, Minnesota	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: November 5, 2003**

**Released: November 13, 2003**

By the Commission:

1. Before the Commission is Minnesota Christian Broadcasters, Inc.'s ("MCBI") Petition for Partial Reconsideration of the Commission's January 17, 2003, *Memorandum Opinion and Order*.<sup>1</sup> MCBI and Carol DeLaHunt ("DeLaHunt") were the only qualified bidders in FM Mutually Exclusive Group 66 in Closed Broadcast Auction No. 25. MCBI seeks reconsideration of our holding in *Minnesota Christian* that it was not entitled to claim a 35 percent new entrant bidding credit, arguing that "the plain meaning of the FCC Rules in question . . . as of the [Auction No. 25 filing] deadline can lead to no conclusion other than MCBI was entitled to [a new entrant bidding credit]."<sup>2</sup> MCBI thus contends that we must reverse our holding that it is required to pay the 35 percent balance of its gross winning bid for an FM broadcast construction permit at Pequot Lakes, Minnesota.<sup>3</sup>

2. Although MCBI argues that the rules regarding the broadcast new entrant bidding credits were clear at the time of the Auction No. 25 filing deadline, we expressly found this was not the case, and that to the extent the Media Bureau interpreted those rules to find MCBI eligible to claim the bidding credit, such a reading was incorrect.<sup>4</sup> This issue was discussed at length in the record relating to

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<sup>1</sup> *Minnesota Christian Broadcasters, Inc.*, 18 FCC Rcd 614 (2003), *appeal docketed*, No. 03-1029 (D.C. Cir. Feb. 19, 2003) ("*Minnesota Christian*").

<sup>2</sup> Petition for Partial Reconsideration at 2. The rules referenced were 47 C.F.R. §§ 73.3555 and Note 2, 73.5007, and 73.5008. Pursuant to Section 73.5007(a), a 35 percent bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has no attributable interest in any other media of mass communications, as defined in Section 73.5008(b).

<sup>3</sup> MCBI paid the 35 percent balance to the Commission on February 14, 2003. Thus, were we to find in its favor, we would refund the balance to MCBI.

<sup>4</sup> 18 FCC Rcd at 616-19.

DeLaHunt's petitions and application for review<sup>5</sup> and in *Minnesota Christian*,<sup>6</sup> and MCBI presents no new facts or arguments that require us to revisit our decision. For the reasons set forth in *Minnesota Christian*,<sup>7</sup> we deny reconsideration.

3. Accordingly, MCBI's Petition for Partial Reconsideration IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>5</sup> See pleadings referenced in *Letter to Ms. Carol DeLaHunt and Minnesota Christian Broadcasters, Inc.*, Ref. No. 1800B3-TSN (MMB Feb. 28, 2000); *Letter to Ms. Carol DeLaHunt and Minnesota Christian Broadcasters, Inc.*, Ref. No. 1800B3-TSN (MMB Sept. 27, 2000); *Minnesota Christian*, 18 FCC Rcd at 614-15.

<sup>6</sup> *Minnesota Christian*, 18 FCC Rcd at 615-19.

<sup>7</sup> *Id.*