

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

In re Applications of	)	
	)	
Rainey Rob L.L.C. (Assignor)	)	File No. BAPH-990125J5
	)	
and	)	
	)	
Dominant Communications Corp. (Assignee)	)	
	)	
for Assignment of the Construction Permit of	)	
Station WRTM-FM, Port Gibson, Mississippi	)	
	)	
Ole Brook Broadcasting, Inc.	)	File No. BPH-950511MI
	)	
and	)	
	)	
Leola D. Dickey	)	File No. BPH-950503MC
	)	
for Construction Permit for New Station WMJU(FM),	)	
Bude, Mississippi	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: November 20, 2003**

**Released: November 25, 2003**

By the Commission:

1. The Commission has before it an “Application for Review of Action Taken Pursuant to Delegated Authority” (“Application for Review”) filed April 10, 2001, by Evan Doss, Jr. (“Doss”). Doss seeks review of a March 22, 2001, staff decision (the “Staff Decision”) dismissing as repetitious his “Emergency Petition to Consider ‘Petition for Reconsideration’” and his “Emergency Petition to Consider Petition for Review,” both filed March 5, 2001, in the above captioned proceedings.<sup>1</sup>

2. The Application for Review is the latest in a voluminous series of Doss pleadings. In each, Doss challenges one or more of several assignments of the license for Station WRTM-FM (formerly WVYE(FM)), Port Gibson, Mississippi, and/or a settlement agreement and subsequent assignments concerning the construction permit for a new FM station in Bude, Mississippi.<sup>2</sup> The series of pleadings began with Doss’ challenge to the involuntary assignment of the WRTM-FM authorization from Evan Doss Jr. Corporation, an entity controlled by Doss, to Eileen S. Bailey, Trustee, and the August 11, 1998, settlement agreement for the new Bude facility. The issues Doss raises in the instant Application for Review have already been fully considered by both the staff and the Commission.<sup>3</sup> We find that the

<sup>1</sup> See *Letter to Evan Doss, Jr., #04615-043*, Ref. No. 1800B3-JR (MMB, May 18, 2000).

<sup>2</sup> The station has since been constructed and assigned the call letters WMJU(FM).

<sup>3</sup> See, e.g., *Rainey Rob L.L.C. and Dominant Communications Corp.*, 15 FCC Rcd 7188, 7188 (1999); *Letter to*

Application for Review is repetitious and warrants denial. The Commission is not required to entertain frivolous, redundant pleadings. As the Court has stated, “the Commission need [not] allow the administrative process to be obstructed or overwhelmed by copious or purely obstructive protests.”<sup>4</sup> Accordingly, the staff action was proper.

3. In a recent decision, we cautioned Doss that the further submission of repetitious pleadings would be subject to rigorous scrutiny under our abuse of process policies.<sup>5</sup> That decision, however, was issued after Doss had already filed his Application for Review in the instant proceeding. Therefore, we reiterate our caution with regard to the captioned proceedings concerning the authorization of WRTM-FM and the Bude construction permit settlement agreement.<sup>6</sup>

4. For the reasons stated herein, IT IS ORDERED, That the April 10, 2001, Application for Review filed by Evan Doss, Jr. (“Application for Review of Action Taken Pursuant to Delegated Authority”) IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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Eileen S. Bailey, Trustee, Ref. No. 1800B2-DBlank (MMB Nov. 24, 2997).

<sup>4</sup> *Office of Communication of the United Church of Christ v. Federal Communications Commission*, 359 F. 2d 994, 1005 (D.C. Cir. 1996).

<sup>5</sup> *See Evan Doss, Jr. Corporation*, FCC 03-245 [adopted Oct. 15, 2003] (rel. Oct. 23, 2003) (cautioning Doss regarding pleadings in separate proceedings concerning Station WRTM-FM), Port Gibson, Mississippi). Moreover, our rules establish limits on a party’s right to obtain review by this Commission on any particular matter. *See* 47 C.F.R. § 1.115(g) (limiting reconsideration of Commission actions to matters involving changed circumstances or facts unknown to petitioner and which could not, through the exercise of ordinary diligence, have been learned previously).

<sup>6</sup> *See R. Martin-Trigura*, 592 F. Supp. 1566, 1568 (D. Conn. 1984); *Nationwide Communications, Inc.*, 13 FCC Rcd 5654 (1998); *Public Notice, Commission Taking Tough Measures Against Frivolous Pleadings*, 11 FCC Rcd 3030 (1996).