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Federal Communications Commission
Washington, D.C. 20554

JUL 28 2010

Sidney E. Shumate
1897 Ridge Rd
Haymarket, VA 20169

Re: WCAV(TV), Charlottesville, VA
Facility ID No. 363
File No. BMPCT-20031219AAK
File No. BAPCT-20040316AJT

Mr. Shumate:

This letter is in reference to your "Petition for Reconsideration and Special Relief," filed March 10, 2008.

On January 17, 2008, the Commission released a Memorandum Opinion and Order denying your Applications for Review of the Media Bureau's grant of the aforementioned applications: an application to modify a construction permit for WCAV(TV), Charlottesville, Virginia (Channel 19), filed by Gray Television Licensee, Inc. ("Gray") as the proposed assignee of WCAV(TV); and an application for consent to the assignment of the WCAV(TV) construction permit from Charlottesville Broadcasting Corporation ("CBC") to Gray.¹ On March 10, 2008, you filed a petition for reconsideration. Because your petition for reconsideration was filed after the statutory deadline, it must be dismissed.

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 Memorandum Opinion and Order was released January 17, 2008 and mailed to you at 1897 Ridge Road, Haymarket, Virginia, 20169. Accordingly, the day after the release date, namely, January 18, 2008, marked the beginning of the thirty-day period for filing a petition for

¹ *In the Matter of Gray Television Licensee, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 644 (2008).

² 47 U.S.C. § 405(a); *see also* 47 C.F.R. § 1.429(d).

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

reconsideration. Any such petition was due no later than February 18, 2008.⁴ Your petition for reconsideration was filed with the Commission on March 10, 2008, significantly after the end of the thirty-day statutory period for filing a petition for reconsideration. Further, you did not present “extraordinary circumstances” that would justify a waiver or extension of the thirty-day statutory filing period.⁵ Therefore, your petition for reconsideration is hereby dismissed as untimely.

Sincerely,

A handwritten signature in black ink, appearing to read 'B A K', with a long horizontal stroke extending to the right.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Joan Stewart, Esq.

⁴ 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). February 18 was the first business day after the thirty-day period ended on Saturday, February 16, 2008.

⁵ Gardner, *supra* note 3.