



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Media Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Charles Crawford v. FCC & USA*, No. 08-1059. Filing of a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: February 21, 2008

This is to advise you that, on February 13, 2008, Charles Crawford filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit pursuant to 47 U.S.C. § 402(a), of the following order: *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Shiner, Texas, Batesville, Texas and Tilden, Texas)*, MM Docket Nos. 01-105, 01-130 and 01-153, Memorandum Opinion and Order, 23 FCC Rcd 640 (2008).

Petitioner challenges the above-referenced FCC order dismissing his proposed allotments for several FM radio stations in Texas. Petitioner's proposals conflicted with an earlier filed proposed allotment, but were filed after the cut-off date for the filing of conflicting allotment proposals. The Commission accordingly dismissed petitioner's late-filed proposals. It did so relying on the D.C. Circuit's earlier decision in *Crawford v. FCC*, 417 F.3d 12899 (D.C. Cir. 2005), which held that the agency could dismiss late-filed conflicting allotment proposals even if the conflict was not foreseeable before the cut-off date.

The Court has docketed this case as No. 08-1059. The attorney assigned to handle the litigation of this case is to be announced.