

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

In re Application of
ALLIANCE COMMUNICATIONS GROUP
For Renewal License for Industrial/Business Pool
Station WQCE473
File No. 0006596448

ORDER ON FURTHER RECONSIDERATION

Adopted: June 1, 2016

Released: June 2, 2016

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. Introduction. In this Order on Further Reconsideration, we deny the petition of Mobile Relay Associates (MRA) for reconsideration of an Order on Reconsideration by the Wireless Telecommunications Bureau's Mobility Division (Division) that denied MRA's petition for reconsideration of the grant of the above-captioned renewal application of Alliance Communications Group (Alliance) for Industrial/Business Pool Station WQCE473, Los Angeles County, California.

2. Background. MRA sought reconsideration of the grant of Alliance's application to renew its license Station WQCE473 on the grounds that Hector Mosquera (Mosquera), who signed the application, is one Alliance's principals and a convicted felon, but neither the instant application nor any previous Alliance application disclosed that one of its principals had been convicted of a felony. MRA supported its assertion that Mosquera was a principal of Alliance by noting that he had signed numerous previous Alliance applications. The Division denied reconsideration, concluding that, because any duly authorized employee may sign an application on behalf of a corporation like Alliance, Mosquera's signature on the application did not establish that he was a company principal. The Division invited MRA to "submit a substantiated complaint in the future."

3. Discussion. MRA argues that it made out an uncontested prima facie case, but the Division improperly raised "sua sponte rebuttal arguments." It also points out that Mosquera signed the Alliance applications as "manager," the same title he uses when he signs applications on behalf of Acumen Communications, of which he is known to be a principal, and "[t]he implication is that Mosquera holds the same role at both companies, and since he is a principal of Acumen, he would be a principal of Alliance." We conclude that MRA did not and has not made a prima facie showing that Mosquera is a principal of Alliance, for nothing it has presented demonstrates ownership or control.

1 Petition of Mobile Relay Associates for Reconsideration (filed Oct. 23, 2015) (Petition).

2 Alliance Communications Group, Order on Reconsideration, 30 FCC Rcd 10197 (WTB MD 2015) (Order).

3 See id. at 10197-98, paras. 4-5.

4 See id. at 10198, para. 5.

5 See Petition at 2-3.

6 See id. at 5-6.

7 Cf., e.g., Thomas Kurian, et al., Order, 18 FCC Rcd 21949, 21952, para. 10 (WTB PSPWD 2003).

MRA concedes that every Alliance application, signed by Mosquera or someone else, describes the signer as “manager;” and that the most recent available public records do not list him as an officer or director of the company.<sup>8</sup> “[I]t is the facts, standing alone, along with any supported or reasonable inferences, that must be of such significance as to support a prima facie case, not the facts and the unsupported and unreasonable inferences proffered by a petitioner.”<sup>9</sup>

4. MRA also argues that denying MRA’s petition will hinder Commission enforcement efforts by encouraging licensees to remain silent in the face of allegations.<sup>10</sup> We disagree. Licensees and applicants are required by statute and rule to provide information requested by the Commission.<sup>11</sup> There is no similar obligation to respond to unpersuasive pleadings filed by MRA.

5. *Conclusion and Ordering Clauses.* MRA has not demonstrated that further reconsideration is warranted. We therefore deny the petition.

6. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and section 1.106 of the Commission's Rules, 47 CFR § 1.106, the Petition for Reconsideration filed by Mobile Relay Associates on October 23, 2015 IS DENIED.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission’s Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>8</sup> See Petition at 6-7.

<sup>9</sup> *North Idaho Broadcasting Company*, Memorandum Opinion and Order, 8 FCC Rcd 1637, 1639, para. 10 (1993).

<sup>10</sup> See *id.* at 6-8.

<sup>11</sup> See 47 U.S.C. § 308(b); 47 CFR § 1.17.