

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

In the matter of)	
)	
DANIEL T. MEEK)	File No. 94F345
)	
Finder's Preference Request)	
for SMR Station WPBD339)	
licensed to Communications &)	
Industrial Electronics Corp.)	
At Aibonito, Puerto Rico)	

MEMORANDUM OPINION AND ORDER

Adopted: January 4, 2000

Released: January 5, 2000

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

1. On January 21, 1997, Communications & Industrial Electronics Corp. (CIEC) filed a petition for Reconsideration (Petition) of a decision by the Wireless Telecommunications Bureau's Office of Operations (Office of Operations) awarding a finder's preference for Station WPBD339¹ to Daniel T. Meek (Meek). For the reasons discussed below, CIEC's Petition is dismissed.
2. Meek filed a finder's preference request for Station WPBD339 on August 9, 1994. The Office of Operations granted the request to Meek on December 19, 1996.² CIEC filed its Petition on January 21, 1997, 3 days late.
3. The target licensee's petition was filed 3 days after the 30-day statutory deadline for filing a Petition for Reconsideration and therefore was untimely. Pursuant to Section 405 of the Communications act of 1934, as amended, the 30-day right to appeal cannot be waived.³ Therefore, we dismiss CIEC's Petition for Reconsideration and affirm the award of a finder's preference to Meek for Station WPBD339.
4. 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) and 405, and sections 0.331 and 1.106 of the Commission's rules, 47

¹ Station WPBD339 is authorized to operate on frequencies 861.6125, 862.6125, 863.6125, & 864.6125 MHz.

² See Letter from William H. Kellett, Esq., Office of Operations, to Mariano E. Ruiz, President, Communications & Industrial Electronics Corp., Dated December 19, 1996.

³ 47 U.S.C. § 405.

C.F.R. §§ 0.331 and 1.106, the Petition for Reconsideration, filed by Communications & Industrial Electronics Corp. in Finder's Preference Case No. 94F345 IS DISMISSED.

5. IT IS FURTHER ORDERED that the award of a finder's preference to Daniel T. Meek, for frequencies 861.6125, 862.6125, 863.6125, & 864.6125 MHz, (SMR) Station WPBD339, Aibonito, Puerto Rico, IS AFFIRMED. Meek has 90 days from the date of this order to file an application with the Commission for the awarded frequencies. If the target licensee files an application for review of this decision, the filing of an application SHALL BE TOLLED.

Federal Communications Commission

William W. Kunze
Deputy Chief, Commercial Wireless Division
Wireless Telecommunications Bureau