

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 01-1466**

**September Term, 2002**

Filed On: November 21, 2002 [715572]

Aerco Broadcasting Corporation, Appellant

v.

Federal Communications Commission, Appellee

Jose J. Arzuaga d/b/a Signal Television, and  
Juan G. Padin, d/b/a Signal Television, Intervenors

Appeal from an Order of the Federal Communications Commission

Before: SENTELLE and HENDERSON, *Circuit Judges*, and SILBERMAN, *Senior Circuit Judge*

## **J U D G M E N T**

This appeal was considered on the record from the Federal Communications Commission and on the briefs of the parties. It is

**ORDERED** and **ADJUDGED** that the order of the Federal Communications Commission appealed from in this cause is hereby affirmed for the reasons stated in *In re Carlos J. Lastra et al.*, 16 FCC Rcd 17268 (2001). Accordingly, appellant does not have standing to pursue its claim. Even if the Court were to rule in its favor, Aerco's alleged injury could not be redressed as there is not an active license left to assign. While the Commission did take an inordinate amount of time to address the assignment application, this delay did not impact the trustee's ability to return the station to the air. The subject license was automatically forfeited as a result of WTRA-TV's inactivity over a 12-month period ending February 9, 1997. *See* 47 U.S.C. § 312(g).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate until seven days after resolution of any timely petition for rehearing or rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

*Per Curiam*

**FOR THE COURT:**

Mark J. Langer, Clerk

BY:

Michael C. McGrail

Deputy Clerk