

FCC Form 316
Radio Station WLVO(FM),
Channel 291A, Live Oak, Florida
FCC Facility ID No. 37060
March 2012
Attachment to Exhibit 2

**REQUEST FOR WAIVER OF § 73.3541(b)
OF THE COMMISSION'S RULES**

1. From the inception of Commercial FM Radio Station WLVO, Channel 291A, Live Oak, Florida, FCC Facility ID No. 37060, Leon F. Pettersen had been the permittee, and subsequently the licensee. See FCC File Nos. BPH-19891002MK *et seq.*, BLH-19980915KA, and BRH-20030929AAS *et seq.*

2. Mr. Pettersen's health declined in late 2011. He was suffering from advanced leukemia. He was hospitalized, then released, then readmitted.

3. On January 13, 2012, Mr. Pettersen had Station WLVO taken off the air. He did so because his declining health prevented him from devoting adequate attention to the Station's operation.

4. On January 20, 2012, Mr. Pettersen informed the FCC that the Station had gone dark, and requested an extension of the Dark Authority that he had invoked pursuant to § 73.1740(a)(4) of the Rules. The Bureau granted that request on February 8, 2012. See Reference No. 1800B3-VM, FCC File No. BLSTA-20120120AER.

5. In the early hours of February 6, 2012, Mr. Pettersen died in a hospice-type facility.

6. Prior to his hospitalization, Mr. Pettersen had executed a Last Will and Testament. In that document, he named Louise M. Browne, as his Personal Representative. The duty of a Personal Representative is to execute the decedent's wishes as expressed in the Last Will and Testament. Other States use the term Executor or Executrix to describe this role.

7. Under Florida Estate Law, the issuance of Letters of Administration vest in the Personal Representative the legal authority to act on behalf of the Estate. For Letters of Administration to issue, Florida rules of practice require the submission to the court of a Death Certificate.

8. In the case of Mr. Pettersen, the issuance of a Death Certificate was delayed. Local counsel finally received a Death Certificate on February 24, 2012. Local counsel then proceeded to file a Petition with the court of competent jurisdiction requesting the issuance of Letters of Administration vesting in Ms. Browne the legal authority to execute documents and to take other actions on behalf of the Estate.

9. On March 12, 2012, Letters of Administration issued appointing Ms. Browne as Personal Representative. A true and correct copy of the Letters of Administration form the Attachment to Exhibit 6 to this application.

10. This application, which seeks the FCC's consent to the involuntary assignment of Station WLVO's license from Mr. Pettersen to his Estate, is being filed promptly after the issuance of the Letters of Administration.

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11. Section 73.3541(b) of the Commission's Rules, 47 C.F.R. § 73.3541(b), requires the filing of an Involuntary Assignment Application within thirty (30) days of the death of a licensee. Mr. Pettersen died five weeks and a few days ago.

12. This application seeks the FCC's consent to the involuntary assignment of Station WLVO's license from Mr. Pettersen to his Estate. The acceptance for filing of this application necessitates a waiver of the filing deadline that 47 C.F.R. § 73.3541(b) specifies. Such waiver is hereby respectfully requested. The circumstances plainly justify a grant of the requested waiver.

13. The rule requires that an Involuntary Assignment Application seek the Commission's consent to the assignment of a Station license to a person or entity legally qualified to succeed to the decedent's position of interest under the laws of the place having jurisdiction over the estate involved. Because, until a few days ago, no Letters of Administration had issued, no one has been legally qualified to succeed to the decedent's position of interest. It was impossible to file this application within the time frame that the rule contemplates.

14. Moreover, this application is being filed promptly after the issuance of the Letters of Administration. Therefore, a waiver of the filing deadline contained in § 73.3541(b) is wholly warranted.