



Federal Communications Commission  
Washington, D.C. 20554

December 8, 2020

*In Reply Refer to: 1800B3-HOD*

**SENT BY EMAIL TO SHAWNDOG29@GMAIL.COM**

Mr. Shawn Craft  
The Marion Education Exchange  
1366 Montego Drive  
Marion, OH 43302

In re: **The Marion Education Exchange**  
WWGH-LP, Marion, Ohio  
Facility ID No. 193826  
File No. 0000115702

**Letter of Inquiry**

Dear Licensee:

This letter concerns WWGH-LP, Marion, Ohio (Station), which currently is licensed to The Marion Education Exchange (MEE). We have before us an Informal Objection<sup>1</sup> to MEE's application to renew the Station's license (Renewal Application).<sup>2</sup> Pursuant to Section 73.1015 of the Commission's Rules (Rules),<sup>3</sup> MEE is hereby required to provide the information and materials discussed herein, and to do so within thirty days of the date of this letter.

**Background.** MEE and the Station's former licensee, Marion Midget Football (MMF) filed an application for Commission consent to the assignment of the Station's license from MMF to MEE (Assignment Application).<sup>4</sup> MEE and MMF utilized FCC Form 316, which is available to applicants only if the assignment is a *pro forma* transaction or an involuntary transaction.<sup>5</sup> In the Assignment Application, MMF and MEE indicated that their transaction was *pro forma* because the MMF and MEE Boards were comprised of the same individuals.<sup>6</sup> We granted the Assignment Application on May 21, 2019.<sup>7</sup>

---

<sup>1</sup> Informal Objection of Spencer Phelps, Pleading File No. 0000118240 (filed July 22, 2020) (Informal Objection).

<sup>2</sup> File No. 0000115702.

<sup>3</sup> 47 CFR § 73.1015.

<sup>4</sup> File No. BALL-20190509AAH (Assignment Application).

<sup>5</sup> See Instructions to FCC Form 316, Application for Consent to Assign Broadcast Station Construction Permit or License or Transfer Control of Entity Holding Broadcast Station Construction Permit or License, General Instruction A. See also Instructions—Form 2100, Schedule 316—Application for Consent to Assign Broadcast Station Construction Permit or License or Transfer Control of Entity Holding Broadcast Station Construction Permit or License, General Instructions. Under our Rules, an involuntary transaction involves a death or legal disability of a licensee or person controlling a licensee, a situation that is not presented here. See 47 CFR § 73.3541.

<sup>6</sup> Assignment Application, Exh. 12.

<sup>7</sup> *Broadcast Actions*, Public Notice, Report No. 49494, at 4 (MB May 24, 2019).

On June 6, 2020, MEE filed the Renewal Application. On July 22, 2020, Spencer Phelps (Phelps) filed the Informal Objection. Among other things, Phelps alleges that MEE's Board was not comprised of the same individuals as MMF's Board, and that MEE misrepresented its Board composition to the FCC when it filed the Assignment Application.<sup>8</sup> Phelps submits copies of materials that MEE submitted to the State of Ohio, which list different individuals as the incorporators of MEE.<sup>9</sup> To date, MEE has not responded to the Informal Objection.

**Information and Materials Requested.** Based on the evidence before us, it appears that the assignment from MMF to MEE did not qualify as a *pro forma* transaction, and that Commission consent for the transaction should have been sought via an application filed on FCC Form 314. We hereby request that MEE provide a narrative statement that lists all individuals that have served on its Board between the date MEE was first incorporated and the present. MEE should include the dates on which each individual served on its Board. We further request that MEE provide a list of all individuals who have served as officers or directors of MEE between the date MEE was first incorporated and the present. MEE should include the specific position or positions held by each individual, and the dates on which that person held the position or positions. MEE should submit copies of all corporate materials (including those filed with the State of Ohio) related to its Board composition, or the appointment, resignation or termination of MEE officers or directors.

*Affidavits or Declarations.* In addition to the documentation noted above, MEE must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of MEE, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter which is in MEE's possession, custody, control or knowledge has been produced. If multiple persons contribute to the response, in addition to such general affidavit or declaration of the authorized representative of MEE noted above, if such person (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with Section 1.16 of the Rules,<sup>10</sup> and be substantially in the form set forth therein. We remind MEE that to knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.<sup>11</sup> Moreover, failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act of 1934, as amended, and the Rules.

MEE's response is due within thirty (30) calendar days from the date of this letter. Please submit the response to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554, and serve copies by email to Tom Hutton, [tom.hutton@fcc.gov](mailto:tom.hutton@fcc.gov), Heather Dixon, [heather.dixon@fcc.gov](mailto:heather.dixon@fcc.gov), and the individual who submitted the informal objection, [spencer.phelps@yahoo.com](mailto:spencer.phelps@yahoo.com). Mr. Phelps may reply to MEE's response within fifteen (15) calendar days from the date he receives a copy of it by email, subject to

---

<sup>8</sup> Informal Objection. at 4.

<sup>9</sup> *Id.* at Exh. 6.

<sup>10</sup> 47 CFR § 1.16.

<sup>11</sup> *Id.* §§ 1.17 and 1.80; 18 U.S.C. § 1001.

section 1.4(j) of our Rules.<sup>12</sup> Finally, we remind all parties that this is a restricted proceeding, and thus that *ex parte* presentations are prohibited.<sup>13</sup>

Sincerely,

*Albert Shuldiner*

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

cc: Spencer Phelps, by email to [spencer.phelps@yahoo.com](mailto:spencer.phelps@yahoo.com)

---

<sup>12</sup> 47 CFR § 1.4(j) (if a calculated filing date falls on a Saturday, Sunday, legal holiday or day on which the Commission's headquarters office is closed, the filing deadline shall be the next business day).

<sup>13</sup> *Id.* § 1.1200 *et seq.*