

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

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Received-FCC

JUL 27 2020

Bureau / Office

In re Application of)

SHELBY BROADCAST ASSOCIATES, LLC)

File No. BALFT-20200608AAG

Facility ID No. 141124

Application for Assignment of License for)
Station W252BE, Tarrant, Alabama)

Directed to: Office of the Secretary
Attention: Chief, Audio Division, Media Bureau

PETITION TO DENY APPLICATION FOR ASSIGNMENT OF LICENSE

Marble City Media, LLC ("Marble City"), licensee of Station WFXO(FM), Stewartville, Alabama, by its counsel, hereby respectfully submits its Petition to Deny the above-captioned application of Shelby Broadcast Associates, LLC ("Shelby") for a assignment of the license of FM translator W252BE. The Media Bureau should not favorably act on the assignment application until it determines whether, in fact, Shelby has a current license which can be assigned, and it resolves the outstanding questions as to the qualifications of Shelby.

Marble City respectfully requests the Media Bureau give expedited consideration of this Petition to Deny and other pending pleadings as to Shelby to enable a decision to be issued as soon as possible.

Challenges to Shelby's licensed status and qualifications have been raised in numerous pleadings filed by Marble City over the past three years, all of which are a matter of record at the Commission and have not been acted upon. Marble City filings have included:

(1) a February 10, 2017, "Complaint Regarding Co-Channel Interference Caused by Transmissions of FM Translator Station W252BE" (Complaint);

- (2) a March 9, 2017, "Addendum to Complaint Regarding Co-Channel Interference Caused by Transmissions of FM Translator Station W252BE" (Addendum);
- (3) a June 1, 2017, "Reply to Response to Interference Complaint and FCC Letter of Inquiry and Opposition to W252BE Modification Application" (First Reply);
- (4) a June 8, 2017 "Request Relating to Interference Complaint, FCC Letter of Inquiry and Opposition to W252BE Modification Application" (Request);
- (5) a July 6, 2018, "Revival of Complaint and Petition for Cancellation of W252BE License" (Complaint Revival-Petition);
- (6) a July 20, 2018, "Supplement to Revival of Complaint and Petition for Cancellation of W252BE License" (Supplement);
- (7) a July 24, 2018, "Informal Objection," regarding W252BE's request for special temporary authority (Objection);
- (8) an August 15, 2018, "Reply to Opposition to Revival of Complaint and Petition for Cancellation of W252BE License" (Second Reply);
- (9) an October 19, 2018, "Comments on Application for License" (Comments);
- (10) an October 29, 2019, "Response" to October 7, 2019, letter of James D. Bradshaw; and
- (11) an April 16, 2020, "Petition for Reconsideration of Grant of Application for Renewal of License

Shelby has filed a number of "oppositions" to the above listed Marble City pleadings, and Marble City has filed "replies" to Shelby's oppositions. Marble City respectfully requests that all the pleadings of both parties be incorporated by reference in this Petition to Deny in order for the record to be complete and expedite a conclusion.

In the assignment application, Shelby, as assignor, is seeking to assign W252BE to the assignee, Rivera Communications, LLC, which is the licensee of WAYE(AM), the primary station for FM translator station W252BE. In addition to the Asset Purchase Agreement ("APA") signed on May 2, 2019, the parties also previously entered into a Retransmission Agreement providing for broadcast of the primary station on the translator. The APA on page 2, Paragraph 2, references the ongoing FCC "*W252BE Proceeding*" and provides that Shelby, as Assignor/Seller, disclaims any liability if the Commission revokes, cancels, modifies or causes

Seller to modify the FCC Authorization arising from the Marble City pleadings and is relieved of the obligation to return the payments already made by the Assignee/Buyer from the date of execution of the APA on May 2, 2019, toward the purchase price under the APA and any payments under the Retransmission Agreement. The portion of Paragraph 2 referencing the W252BE proceeding reads as follows:

2. Disclaimer on Assets.... In addition, Buyer expressly acknowledges that it is aware of the FCC proceeding disclosed on Schedule 1(b) (the "W252BE Proceeding") and that Seller is making no representation or warranty regarding the outcome of the W252BE Proceeding or the effect of the W252BE Proceeding on the FCC Authorizations. If the FCC revokes or cancels or modifies or causes Seller to modify the FCC Authorizations as a result of the W252BE Proceeding, Seller shall have no liability to Buyer, and Seller shall not have any obligations to return any payments from Buyer to Seller pursuant to this Agreement or the Retransmission Agreement.

Schedule 1(b) includes this sentence:

Marble City Media, LLC has filed various pleading and interference complaints against W252BE, which remain pending at the FCC.

The references to the W252BE proceeding in Paragraph 2 of the APA reflects the awareness of the parties of the proceeding and its impact on the transaction is evident.

Further, a portion of Paragraph 5 of the APA includes a provision giving either party the right to terminate the APA if the FCC's consent to the assignment grant is not issued by the 9 month anniversary of the date the assignment application was accepted for filing.¹ The 9 month drop-out provision places urgency upon action by the Media Bureau.

¹ 5. FCC Consent; Assignment.....Either party at its option may terminate this Agreement upon five (5) business days' prior written notice to the other party, and without liability to the other party, if the FCC has not issued the FCC Consent by the nine (9) month anniversary of the date that the Assignment Application has been officially accepted for filing by the FCC, provided that the failure to obtain the FCC Consent shall not have been due to the action or inaction of the party seeking to exercise such termination right.

Marble City's position is simply that granting the assignment application without resolving pending matters which question the validity of the underlying license and character qualifications of the assignor would permit Shelby to sell out from potential disqualification and rule violations without consequences. When a licensee's acts are inconsistent with the Commission's Rules or the Communications Act, consideration of those actions must occur prior to approval of the assignment application. From a public policy standpoint, not taking enforcement action under such circumstances removes a deterrent to licensee misconduct.

Further, such a resolution before approval of an assignment application is necessary as a part of the Commission's process in considering an application, as the Commission must make public interest findings before granting an application. The pertinent sentences in 47

U.S.C. §309 and §310(d) of the Communications Act of 1934, as amended, are:

*47 U.S.C. §309 **Considerations in granting application.** Subject to the provisions of this section, the Commission shall determine, in the case of each application filed with it to which section 308 [47 USCS § 308] applies, whether the public interest, convenience, and necessity will be served by the granting of such application, and, if the Commission, upon examination of such application and upon consideration of such other matters as the Commission may officially notice, shall find that public interest, convenience, and necessity would be served by the granting thereof, it shall grant such application. [underlining added]*

*47 U.S.C. §310(d) **Assignment and transfer of construction permit or station license.** No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby. Any such application shall be disposed of as if the proposed transferee or assignee were making application under section 308 [47 USCS § 308] for the permit or license in question; but in acting thereon the Commission may not consider whether the public interest, convenience, and necessity might be served by the transfer, assignment, or disposal of the permit or license to a person other than the proposed transferee or assignee. [underlining added]*

Accordingly, the Commission must consider the matters raised herein and other matters as to Shelby and W252BE, either in response to this Petition or on its own motion.

ARGUMENT

(a) Assignment of license is inappropriate as Shelby Lacks a License to operate

W252BE

As stated in past Marble City filings, the primary issue at hand is that Shelby has no license to operate station W252BE. Indeed, Shelby's operation of W252BE in an unauthorized manner for multiple years has negated its status as the station's licensee.²

More specifically, on October 16, 2018, in Shelby's last filing for an authorization, Shelby filed an application, BLFT-20181016ABE, for license to cover a construction permit file number BPFT-20170511AAL granted June 21, 2017, sixteen (16) months before that date. In its October 19, 2018, Comments on that application, Marble City noted that W252BE had not operated in accordance with its license or any other authorization from the Commission since at least November 16, 2016, when its last Commission authorization to operate at variance from its licensed parameters had expired.³ Shelby itself acknowledged that its operation after November

² Portions of this Argument section were included in the April 16, 2020, Petition for Reconsideration of the Grant of the Renewal Application, as well as in certain other prior filings and are likewise applicable to the Media Bureau's consideration of the pending assignment application.

³ See October 19, 2018, Marble City Comments on Shelby Application for License.

8, 2015 had not even been in accordance with that 2015 STA.⁴ Thus, W252BE operated without authorization for a period of 35 months prior to filing the license application.

Marble City noted in its pleadings that given the extensive period of time of unauthorized operations and the circumstances, Shelby's license had expired. As is apparent from the facts, the unauthorized operations were deliberate and knowing actions by Shelby.

More particularly, Marble City concluded in its October 19, 2018, *Comments*:

"As is well established, unauthorized operation is considered by the Commission to be the equivalent of no operation at all. *Eagle Broad. Group*, 563 F.3d 543, 553 (D.C. Cir. 2009) ("Under the statute, unauthorized and unlicensed transmissions are no better than silence") *A-O Broad. Corp.*, 23 FCC Red 603 (2008); see also *James McCluskey, Ph.D.*, Letter Order, 27 FCC Red 6252, 6254-55 (MB 2012) ("an unauthorized transmission counts for nothing"); *A-0 Broadcasting Corporation*, 23 FCC Rcd 603 (2008); *Tango Radio, LLC*, 30 FCC Rcd 10564, 10567-68 (2015) (temporarily constructed facilities do not form the basis for filing a license application). Section 312(g) of the Communications Act of 1934, as amended, specifies that the license of a station that is silent or engages in operation other than as authorized for a period of 12 consecutive months automatically expires at the end of that period."⁵

A brief review of the months leading to the Shelby October 16, 2018, license application filing is helpful to an understanding the conclusion that W252BE is an expired authorization.

⁴ See, *Shelby Opposition*, filed August 3, 2018, in response to Marble City's *Revival of Complaint and Petition for Cancellation of W252BE License*, filed July 6, 2016.

⁵ In its *Comments* as to the license application, Marble City referenced, as relevant to the current circumstances, the *Letter Order as to WZNN(FM), Maplesville, AL (reference 1800B3-VM)* dated November 15, 2017, which provided in part, "*Well established Commission precedent dictates that licensees cannot avoid the statutory deadline set forth in Section 312(g) through the use of unauthorized facilities.*" The Commission cancelled the WZNN(FM) license, deleted the call sign, and as a further measure required Valleydale Broadcasting, LLC ("Valleydale"), and its various principals to submit a copy of the *Letter Order* with every facilities application filed for a period of five years. The named principals include Shelby's. Due to its direct relevance as express notice to Shelby that prolonged unauthorized operations result in license cancellation, the *Revival* pleading included a copy of the Commission's *Letter Order* concerning Valleydale and through shared principals, Shelby. See *Revival of Complaint and Petition for Cancellation of W252BE License*.

Apart from prior filings, in a pleading filed July 6, 2018, Marble City demonstrated that W252BE had been operating at the unauthorized antenna height of approximately 750 feet, with an improperly oriented directional antenna, and transmitter output power almost double that authorized.⁶

Shelby did not contest the foregoing conclusive showings that Shelby was and had been illegally operating W252BE; however, Shelby responded with a request for a technical STA for W252BE, File No. BSTA-20180718AAD on July 18, 2018. That request was dismissed the very next day due to failure to indicate a reason why the STA was needed, but Shelby turned around and filed another STA request (the "STA Request"). While this STA Request provided the previously missing reason for seeking an STA, that explanation itself, and the other information in the STA Request and additional Shelby filings, raised further troubling questions and definitively established by Shelby's own statements that W252BE had been operating in an unauthorized manner since November 8, 2015.⁷

Further, as demonstrated by Marble City in a supplemental filing as to the STA Request, through a showing of its consulting engineer, the STA Request was unacceptable as violating Section 74.1204(a)(3) due to prohibited signal contour overlap with WFXO. Shelby's October 16, 2018, application, BLFT-20181016BE, for license to cover a construction permit followed the two STA attempts but did not cure the infirmities of the translator's status and Shelby's deliberate and knowing actions in operating the station illegally without authorization.

⁶ *Revival of Complaint and Petition for Cancellation of W252BE License.*

⁷ *See, Shelby Opposition*, in which Shelby admitted that its operation of W252BE had never been in accordance even with its 2015 STA.

Finally, as Marble City noted in its response to October 7, 2019, letter of Jim Bradshaw as to the Translator Interference Order, and its Petition for Reconsideration of the improvident grant of the W252BE renewal application, the primary issue is no longer interference to WFXO's past facilities, which have been modified since the initial complaint was filed, but rather whether Shelby has a license to operate W252BE, due to its blatant disregard of the Commissions's rules. The effect of Shelby's pattern of disregard of the Commission's rules must likewise be considered in the Media Bureau's review of the character qualifications of Shelby.

(b) Shelby Improperly Answered Assignment Application Character Questions

Shelby's improperly responded to Quesiton 7, Character Issues, in the Form 345 assignment application. Question 7, entitled *Character Issues* is as follows:

Character Issues. *Licensee/Permittee certifies that neither the licensee/permittee nor any party to the application has or has had any interest in, or connection with:*

a. any broadcast application in any proceeding where character issues were left unresolved, or were resolved adversely against the applicant or any party to the application; or

b. any pending broadcast application in which character issues have been raised.

(underlining added)

Though knowing of the allegations in the content of past Marble City pleadings referenced above which, among other matters, raise character issues and those character issues are unresolved, Shelby answered Question 7 in the assignment application certifications as "yes", which is a false answer.⁸ A correct response would have been "no." As made clear by Marble City's

⁸ Marble City's April 16, 2020, Petition for Reconsideration of the W252BE license renewal grant raised the same infirmities in Shelby's improper "yes" responses to the certifications as to Character issues in the Renewal Application.

Objection and various other pleadings raising character qualification issues, Shelby not only operated without authorization but provided false information about W252BE's operations to the Commission on a number of occasions. To date, these matters have not been resolved by the Commission.

In addition, the "yes" certification response in Question 7 fails to disclose that Shelby's FM translator station W243AP, Mooresville, AL was revoked pursuant to Section 312(g) of the Act in a November 29, 2018, FCC letter ruling ("Letter Order") which reflected character issues adversely resolved as to Shelby. The Letter Order detailed that Shelby had violated Section 301 of the Communications Act and made false statements to the FCC. Shelby had failed to operate the facility with authorized facilities for a consecutive 12-month period and thus the license expired under Section 312(g) of the Act.

As with W252BE, Shelby was operating the Mooresville station W243AP with unauthorized facilities. A portion of that letter finding a false claim reads:

"We find that exercise of discretion to reinstate an expired license is especially unwarranted when SBA violated Section 301 of the Act by operating the Station from an alternate facility without FCC approval, falsely claimed on July 2, 2018, that the site modification was due to the property owner's "mandate," and only notified the Commission of the Station's unauthorized operation after the Bureau demanded specific information in the LOI. The "unclean hands" doctrine — which "closes the doors of a court of equity to one tainted with inequity or bad faith relative to the matter in which he seeks relief — can be applied in appropriate circumstances in administrative proceedings, and SBA's conduct in this proceeding mitigates against any "equity and fairness" finding in its favor." (footnotes with case citations are not shown)

Shelby's petition for reconsideration of the foregoing letter was denied by action of the FCC in a July 19, 2019, letter.⁹ The FCC's November 29, 2018, Letter Order dictated a "no" response in

⁹ It does not appear that Shelby filed an Application for Review so the adverse action became final.

Question 7 of the assignment application by Shelby as to proceedings with character issues resolved adversely against the applicant or any party to the application.

In yet another adverse resolution which dictated a “no” response, the FCC’s November, 17, 2017, Letter Order revoking the license for WZNN(FM) Maplesville, AL, included adverse conclusions as to the qualifications of Shelby’s principals. While that letter was attached to the assignment application, Question 7 was improperly answered as “yes” when a “no” response was required. As noted in footnote 3 above, in that Letter Order, the Commission cancelled the WZNN(FM) license, deleted the call sign, and required Valleydale Broadcasting, LLC, (“Valleydale”) and its various principals to submit a copy of the *Letter Order* with every facilities application filed for a period of five years. The specifically named principals include Shelby’s. Also, the Media Bureau’s Letter in the paragraph at the top of page 3, included the following finding as to false statements:

“We find that exercise of discretion to reinstate an expired license is especially unwarranted when VB violated Section 301 of the Act by operating the Station from an alternate facility, without FCC approval, falsely claimed in November of 2016 that the Station returned to the air “with its licensed facility,” and only notified the Commission of the Station’s unauthorized operation after opposing comments were filed notifying us of the situation.”

The purpose of the 5 year filing penalty in the Letter Order is clear from the Media Bureau’s November 1, 2018, Letter denying Partial Petition for Reconsideration which in referencing a Valleydale’s knowingly and admitted “false claim of licensed operation” stated:

“That failure provides ample support for the staff to require a reminder of its action whenever VB or its principals file an application over the next five years requiring the staff to undertake a review of the applicant’s qualifications, including character qualifications.”¹⁰
(underling added)

¹⁰ November 1, 2018, Letter rejecting a Valleydale Broadcasting, LLC Petition for Partial Reconsideration, concerning the November 15, 2017, Letter Order with respect to DWZNN(FM), Maplesville, AL.

It is well established that the Commission's consideration of the qualifications of an applicant is dependent upon correct responses from an applicant, not only by an applicant's refraining from misrepresenting information but also by its not omitting "material information" that is necessary to prevent any material factual statement that is made from being misleading.¹¹ Shelby's response to Question 7 would prevent the Commission from properly considering its qualifications and reaching a well reasoned decision as required by Communications Act provisions referenced above.

Further, as evident from Marble City's pleadings, and the Commission's Mooresville and Maplesville actions above, Shelby has developed a pattern and practice of consistently ignoring the Commission's rules and policies.

¹¹ See Section 1.17 of the Commission's rules. Also, see *Policy Regarding Character Qualifications in Broadcast Licensing, Gen. Docket No. 81-500, Report, Order and Policy Statement*, 102 F.C.C.2d 1179, 1211, para. 61(1986) (1986 Character Policy Statement) ("The integrity of the Commission's processes cannot be maintained without honest dealing with the Commission by licensees"); *Policy Regarding Character Qualifications in Broadcast Licensing, Gen. Docket No. 81-500, Notice of Inquiry*, 87 F.C.C.2d 836, 846, para. 23 (1981) ("The Commission's scheme of regulations rests upon the assumption that applicants will supply it with accurate information").

CONCLUSION

The Media Bureau should not favorably act on the assignment application until it determines whether (a), in fact, Shelby has a current license which can be renewed, (b) it resolves the outstanding questions as to the qualifications of Shelby, and (c) takes appropriate enforcement actions. The Media Bureau's responsibilities under 47 U.S.C. §309 and §310(d) mandate a careful review before issuing a decision.

Respectfully submitted,

MARBLE CITY MEDIA, LLC



By: _____

M. Scott Johnson
Its Counsel

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July 10, 2020

CERTIFICATE OF SERVICE

I, Sherry Schunemann, a legal assistant in the offices of Smithwick & Belendiuk, PC, hereby certify that a true and correct copy of the foregoing "Petition to Deny" as to the W252BE Application for Assignment of License was emailed today and/or sent on this 10th day of July, 2020, via First-Class United States mail, postage pre-paid, or as otherwise specified, to the following:

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_____/s/ Sherry Schunemann

Sherry Schunemann

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

In re Application of

SHELBY BROADCAST ASSOCIATES , LLC

Application for Assignment of License for
FM Translator Station W252BE, Tarrant, Alabama

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(File No. BALFT-20200608AAG
(Facility ID No. 14112
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OPPOSITION TO PETITION TO DENY

Comes now Rivera Communications, LLC, proposed Assignee of the license of W252BE Tarrant, AL, ("Translator") by counsel, who hereby respectfully responds to the Petition to Deny filed by Marble City Media, LLC in this proceeding. The Petition is one of many between Shelby Broadcast Associates, LLC. ("Shelby") and Marble City filed over the past several years for various reasons to which Rivera has not been a party.

In support of this Opposition, Rivera respectfully requests the that Commission consider the following:

(1) There are presently only three stations providing Spanish language broadcasts to the Spanish speaking population of the Birmingham, Alabama Market area: WQCR (AM) — Alabaster, AL, WAYE (AM) , Birmingham, AL and WZGX (AM) , Bessemer, AL. Two of these three stations are operated by Rivera: WQCR and WAYE. The translator under review rebroadcasts the signal of WAYE pursuant to a Time Brokerage Agreement between Rivera and Shelby. Thus the Translator is the only FM voice to the Spanish Community of Birmingham. *(See Exhibit 1 attached hereto)*

(2) The terrain around the Birmingham, Alabama area is hilly and coverage for AM stations is inconsistent at best. The FM translator located at a site most effective to provide coverage to the Spanish-speaking population of the Birmingham Metro area and provides such listeners with basically the only service to meet their needs when combined with the AM signal of WAYE.

(3) Marble City previously complained that the Translator was interfering with one of its Co-channel stations located in Stewartville, AL far to the south east of Birmingham. As a result, the Translator reduced power from 90 watts ERP (BSTA-20180720AAR) to 65 watts ERP where it stands today. (*See Exhibit 2 attached hereto*).

(4) The proposed Assignee, Rivera, has operated its two AM stations without any objection from the public and has fully met its obligations to the Commission's Rules and Regulations. Since operating the Translator, Rivera has followed its continued practice of favorable operations by providing a special service to the Spanish-speaking Community in the Birmingham, area.

(5) By granting this present assignment application and allowing the parties to consummate the Transaction, (a) the Commission would effectively: (1) eliminate the Issue between Marble City and Shelby; and (b) the public interest, convenience, and necessity will be served by providing the Spanish-speaking community of Birmingham, Alabama its only FM service.

CONCLUSION

The Media Bureau should grant the assignment from Shelby Broadcast Associates LLC to Rivera Communications LLC, as soon as possible because it would be in the best position

operate in the Translator in the public interest, convenience, and necessity. Such grant would provide a diversity of programming especially to the Spanish-speaking community of Birmingham, Alabama, as the Translator would be the only FM voice in the market to do so. In addition, such grant would eliminate the conflict between Shelby and Marble City for good.

Respectfully submitted,

RIVERA COMMUNICATIONS LLC

BY: 

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Counsel

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July 23, 2020

EXHIBIT 1

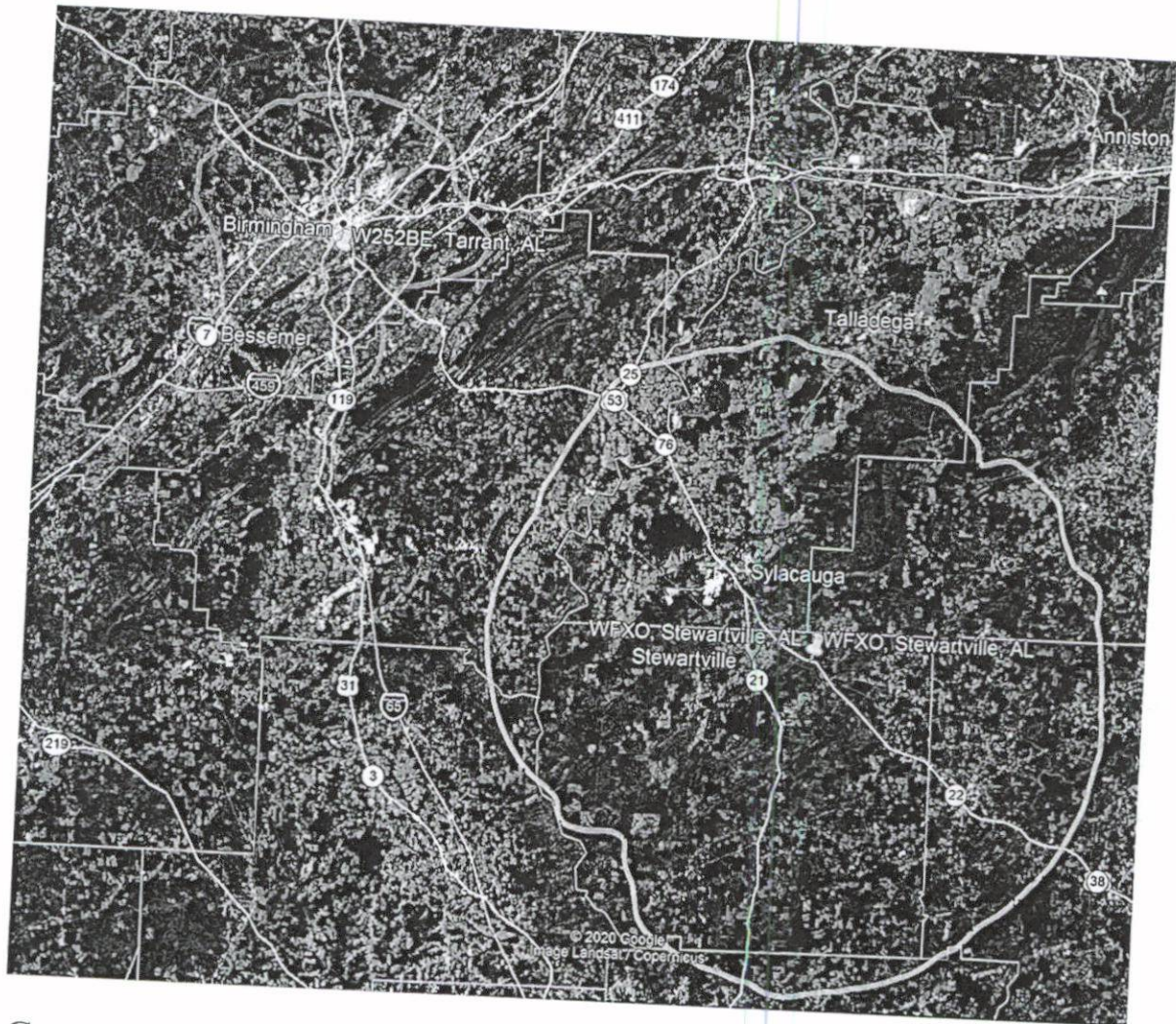
Birmingham AL Radio Stations Sorted by Market

Format	Calls	AM, FM or FX	City of License	Frequency	Class	Owner
AAA	W297BF	FX	Birmingham	107.3	D	SummitMedia LLC
AC	WMJJ	FM	Birmingham	96.5	C0	iHeartMedia Inc
Adult CHR	WFHK	AM	Pell City	1430	D	Stocks Broadcasting Inc
Adult CHR	W231CW	FX	Pell City	94.1	D	Stocks Broadcasting Inc
Blues/R&BOD	W231DE	FX	Birmingham	94.1	D	Johnson, Christopher
Blues/R&BOD	WJLD	AM	Fairfield	1400	C	Richardson Broadcasting Corporation
Blues/R&BOD	WIXI	AM	Jasper	1360	D	Richardson Broadcasting Corporation
Blues/R&BOD	W277DM	FX	Jasper	103.3	D	Richardson Broadcasting Corporation
CHR	WQEN	FM	Trussville	103.7	C1	iHeartMedia Inc
Christian	WQEM	FM	Columbiana	101.5	A	Glen Iris Baptist School
Christian	WGIB	FM	Birmingham	91.9	C3	Glen Iris Baptist School
Christian	W291BT	FX	Jasper	106.1	D	Glen Iris Baptist School
Christian	W291CG	FX	Odenville	106.1	D	Glen Iris Baptist School
Christian	W222AZ	FX	Springville	92.3	D	Glen Iris Baptist School
Christian	W224CN	FX	Leeds	92.7	D	Glen Iris Baptist School
ChrsContemp	WAVU	AM	Albertville	630	D	Courington Jr., Pat
ChrsContemp	WDJC	FM	Birmingham	93.7	C0	Crawford Broadcasting Company
ChrsContemp	KRLE	FM	Carbon Hill	89.7	C1	Educational Media Foundation
ChrsContemp	W241AI	FX	Gorgas	96.1	D	Educational Media Foundation
ChrsContemp	WAYU	FM	Steele	91.1	A	WAY-FM Media Group Inc
Chrst/Altve	W271BN	FX	Birmingham	102.1	D	Educational Media Foundation
Chrst/Rock	WJHO	FM	Alexander City	89.7	C2	TBTA Ministries
Chrst/Rock	WKRE	FM	Argo	88.1	A	TBTA Ministries
Chrst/Talk	WXJC	FM	Cullman	101.1	C0	Crawford Broadcasting Company
Chrst/Talk	WXJC	AM	Birmingham	850	B	Crawford Broadcasting Company
Chrst/Talk	WSJL	FM	Bessemer	88.1	A	Elijah Radio Inc
Clsc Hits	WCRL	AM	Oneonta	1570	D	Our Town Radio Inc
Clsc Hits	W237DH	FX	Oneonta	95.3	D	Our Town Radio Inc
Clsc Hits	W234DI	FX	Douglas	94.7	D	Our Town Radio Inc
Clsc Hits	WBPT	FM	Homewood	106.9	C0	SummitMedia LLC
Country	WJBE	FM	Five Points	88.5	A	Big South Community Broadcasting Inc
Country	WQSB	FM	Albertville	105.1	C3	Courington Jr., Pat
Country	WDXB	FM	Pelham	102.5	C1	iHeartMedia Inc
Country	W256CD	FX	Fultondale	99.1	D	Red Mountain Ventures LLC
Country	WZZK	FM	Birmingham	104.7	C0	SummitMedia LLC
Cst/Rck/HHp	WRYD	FM	Jemison	97.7	C3	TBTA Ministries
DARK	WLGQ	FM	Gadsden	91.5	C3	Educational Media Foundation
DARK	W292EI	FX	Warrior	106.3	D	WAY-FM Media Group Inc
Gospel	WURL	AM	Moody	760	D	Bill Davison Evangelistic Association
Gospel	W261BX	FX	Birmingham	100.1	D	Edgewater Broadcasting Incorporated
Gospel	WENN	AM	Birmingham	1320	D	SummitMedia LLC
Gospel	WAGG	AM	Birmingham	610	B	SummitMedia LLC
Hot AC	WKXX	FM	Attalla	102.9	A	Courington Jr., Pat
Hot AC	WPYA	FM	Gardendale	97.3	C2	SummitMedia LLC
Hot AC	W222BK	FX	Birmingham	92.3	D	SummitMedia LLC
Inspiration	W286BK	FX	Birmingham	105.1	D	iHeartMedia Inc
Mexican	WQCR	AM	Alabaster	1500	D	Rivera Communications LLC
Mexican	WAYE	AM	Birmingham	1220	D	Rivera Communications LLC
Mexican	W252BE	FX	Tarrant	98.3	D	Rivera Communications LLC
Mexican	WZGX	AM	Bessemer	1450	C	Zamora, Pedro
News/Talk	WERC	AM	Birmingham	960	B	iHeartMedia Inc
News/Talk	WERC	FM	Hoover	105.5	C2	iHeartMedia Inc
Nws/Tlk/Cls	WBHM	FM	Birmingham	90.3	C1	University of Alabama
Nws/Tlk/Cls	W291DC	FX	Birmingham	106.1	D	University of Alabama
Oldies	WJLX	AM	Jasper	1240	C	Earley, James D

Birmingham AL Radio Stations Sorted by Market

Format	Calls	AM, FM or FX	City of License	Frequency	Class	Owner
Oldies	W268BM	FX	Jasper	101.5	D	Earley, James D
Religion	WLJR	FM	Birmingham	88.5	A	Briarwood Presbyterian Church
Religion	WYDE	AM	Birmingham	1260	D	Crawford Broadcasting Company
Religion	WYDE	FM	Cordova	92.5	A	Crawford Broadcasting Company
Religion	WBFR	FM	Birmingham	89.5	A	Family Stations Incorporated
Religion	WMMA	AM	Irondale	1480	D	La Promesa Foundation
Religion	WQOH	FM	Springville	88.7	A	La Promesa Foundation
Religion	W262AR	FX	Irondale	97.9	D	La Promesa Foundation
Religion	W224CK	FX	Vestavia Hills	92.7	D	La Promesa Foundation
Religion	W210CA	FX	Birmingham	89.9	D	WAY-FM Media Group Inc
Rhymc/CHR	WBHJ	FM	Midfield	95.7	C2	SummitMedia LLC
Rock	W276BQ	FX	Birmingham	103.1	D	Red Mountain Broadcasting LLC (AL)
Smooth Jazz	WAJH	FM	Birmingham	91.1	A	Jazz Hall of Fame Alabama Inc
Sports	WJQX	FM	Helena	100.5	C1	Cumulus Media Holdings Inc
Sprts/Talk	WJOX	FM	Birmingham	94.5	C0	Cumulus Media Holdings Inc
Sprts/Talk	WJOX	AM	Birmingham	690	B	Cumulus Media Holdings Inc
Talk	W245CS	FX	Birmingham	96.9	D	Crawford Broadcasting Company
Talk	W237EK	FX	Birmingham	95.3	D	Crawford Broadcasting Company
Talk/News	WAPI	AM	Birmingham	1070	B	Cumulus Media Holdings Inc
Talk/News	WZRR	FM	Birmingham	99.5	C0	Cumulus Media Holdings Inc
Urban AC	WATV	AM	Birmingham	900	D	Courtney French Broadcasting LLC
Urban AC	W235BS	FX	Birmingham	94.9	D	Courtney French Broadcasting LLC
Urban AC	WUHT	FM	Birmingham	107.7	C1	Cumulus Media Holdings Inc
Urban AC	W293CM	FX	Graysville	106.5	D	Educational Media Foundation
Urban AC	WBHK	FM	Warrior	98.7	C1	SummitMedia LLC
Urban Cntmp	W281AB	FX	Mountain Brook	104.1	D	Richardson Broadcasting Corporation

EXHIBIT 2



Google Map showing coverage contours of WFXO Stewartville, AL and W252BE Translator, Tarrant AL.

CERTIFICATE OF SERVICE

I, Larry Perry, do hereby certify that a true and correct copy of the foregoing Response to the Petition to Deny as to the W252BE Assignment application was sent via email or first Class Mail on this the 23rd Day of July, 2020, Postage prepaid to the following:

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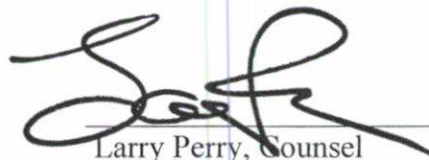
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