

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the matter of:)	
)	File No. BALL-20200218ABC
Family Unity Outreach Ministry, Inc.,)	
<i>Assignor</i>)	WMBT-LP
)	Gainesville, FL
Come Together Productions, Inc.,)	Facility ID No. 196950
<i>Assignee</i>)	

PETITION FOR RECONSIDERATION
AND REINSTATEMENT *NUNC PRO TUNC*

On February 18, 2020 Family Outreach Ministry, Inc. (“FUOM”) and Come Together Productions, Inc. (“CTP”) (collectively, “*Parties*”) filed an application on FCC Form 314 to voluntarily assign WMBT-LP from FUOM to CTP (“Original Application”). This application included an *Asset Purchase Agreement* (“APA”) valued at \$27,500 “plus an additional Two Thousand Five Hundred dollars as a donated gift to the Seller to the Buyer”.¹ Also included was a “Seller’s Deprecation Schedule and Statement” which attempts to justify the depreciation of the equipment involved in the APA as a part of the assignment.²

On March 24, 2020, an amendment was filed (“First Amendment”) to correct Section I, question 8 to answer “no” to questions 8(a) and 8(b) as those questions are not applicable to LPFM broadcast stations. Question 8(c) remains answered as “yes” in order to certify that the station has been licensed for at least three years.³

¹ See, *Original Application, Asset Purchase Agreement*, exhibit 5 at 1.

² See, *Original Application, Seller’s Deprecation Schedule and Statement*.

³ See, *First Amendment*, Section I, Question 8(c). This facility has been licensed since January 11, 2016 with no silent periods within the first three years. The facility has been eligible for assignment since January 11, 2019.

On June 5, 2020 in a decision letter by the Chief of the Audio Division of the Media Bureau (“Staff”), it was determined by Staff that the instant application was unacceptable as it violated §73.865(a) of the Commission’s Rules.⁴ In reaching its decision, Staff stated that FUOM “did not provide any documents supporting the allenged total purchase price.”⁵ Further, the \$2,500 “donation” also violated §73.865(a) of the Rules.⁶

On or around June 21, 2020, following the dismissal of the instant application, the Parties consulted with Michelle Bradley of REC Networks (“REC”) in order to analyze the reasons behind the dismissal of the assignment application. At the suggestion of Ms. Bradley, the parties drafted and agreed to a new APA. The amended APA is valued at \$14,200.00. The amended APA includes a listing of the tangible goods involved in the transaction at their new value and a table showing its depreciated value. Finally, the amended APA does not include any additional “donations”. Based on this, it is the position of the Parties that the amended APA does comply with §73.865(a) of the Rules.

In this instant pleading, the Parties are amending the application, requesting reconsideration of the previous dismissal and requesting reinstatement *nunc pro tunc* to make a curative amendment in order to make this application acceptable for filing.⁷ We are asking for the Commission’s consideration as described in this instant *Petition*.

⁴ See, *Family Unity Outreach Ministry, Inc., et. al.*, Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau (“Decision Letter”). See also 47 C.F.R. § 73.865(a) (“No party may assign or transfer an LPFM licensee if... [c]onsideration promised or received exceeds the depreciated fair market value of the physical equipment and facilities...”).

⁵ Decision Letter, at 2.

⁶ See *Id.*

⁷ See 56 R.R. 2d. 776 (1984). We do note that in the instant case, the application is an assignment and not subject to any kind of comparative proceeding and therefore, a grant of reconsideration in the instant case would not prejudice any other party. While we recognize that *nunc pro tunc* applications are filed normally in construction permit applications that are subject to comparative review, if *nunc pro tunc* is not appropriate in this case, the Parties

Respectfully submitted.

/S/

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/S/

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Prepared in coordination with:
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June 29, 2020

request handling solely as a *Petition for Reconsideration*. We note that the instant amendment to this application proposes no changes to the structure of either the assignor nor assignee's organization. Only the nature of the transaction price is being changed. If a new application needs to be filed, please contact Michelle Bradley at REC Networks, 202 621-2040 to advise.