

## SUPPLEMENTAL STATEMENT

Auburn Network, Inc. ("ANI") previously reported the felony conviction of its President, Michael G. Hubbard, of the Alabama Ethics Act. Pursuant to Section 1.65 of the Commission's Rules, ANI previously reported that, on August 27, 2018, the Alabama Court of Criminal Appeals upheld 11 of the 12 counts.

On October 11, 2018, Mr. Hubbard filed an appeal to the Alabama Supreme Court. Mr. Hubbard remains free on bond during the pendency of the appellate process. Mr. Hubbard will provide a copy of the appeal (Petition for Writ of Certiorari) upon request by Commission staff.

Nevertheless, ANI requests that the Commission process this application conditioned on the outcome of the appeal. There is precedent for taking this approach. For example, the application for Station WSTX-FM (BPH-20010316AAD) was granted with a condition that stated, "in the event that revocation of Family Broadcasting's license for Station WSTX-FM becomes administratively final, this authorization will terminate immediately. Any construction of the facilities authorized herein is at the sole risk of the permittee." At that time, the licensee's misrepresentation violation was on appeal. See also Station WYSJ-CA (BSTA-20120913AAQ) and WEWC(AM) (BLSTA-20010402ATM).