

### **Alien Ownership and Control**

The proposed licensee of WABY(AM) is Saratoga Radio, LLC (“Saratoga Radio”), a New York limited liability company. Saratoga Radio is 50 percent owned by parent company Border Media LLC (“Border Media”), another New York limited liability company, and 50 percent owned by parent company A & J Radio LLC (“A & J Radio”), also a New York limited liability company.

Border Media, in turn, is owned by two members, Ricki Lee Shorthose, a citizen of the United Kingdom (50 percent voting and equity interest), and Hanna Kaleta, a citizen of Poland (50 percent voting and equity interest).

A & J Radio, in turn, is owned by two members, Aaron Ishmael, a citizen of the United States (49 percent voting and equity interest), and Jessica Ishmael, a citizen of the United States (51 percent voting and equity interest).

Because the proposed licensee, Saratoga Radio, is co-owned by Border Media, a company in which more than one-fourth of the equity is owned and voted by aliens, the Commission must find that the public interest would not be served by prohibiting foreign ownership of Border Media. 47 U.S.C. § 310(b)(4).

The Commission has previously made such a finding, in August 2018. *See Border Media Licenses LLC, Application for Consent to Assignment of License and Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended, Declaratory Ruling and Memorandum Opinion and Order, DA 18-888 (MB rel. Aug 28, 2018) (“Declaratory Ruling”).* In that Declaratory Ruling (a copy of which is attached hereto), the Commission granted a Petition filed by Border Media Licenses LLC (“BML”)—of which Border Media is the parent entity, with 100 percent ownership of BML—requesting the specific approval for 100 percent of the equity and voting interests in Border Media LLC to be held by Mr. Shorthose and Ms. Kaleta. *Id.* at ¶¶ 9, 12.<sup>1</sup>

Pursuant to 47 C.F.R. § 1.5004(b), the foreign ownership Declaratory Ruling issued to BML shall also cover Border Media, an affiliate of BML that existed at the time the Declaratory Ruling was issued, as the foreign ownership of BML and Border Media remains in compliance with the terms and conditions of the Declaratory Ruling and the Commission’s Rules. *See also Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended, Report and Order, FCC 16-128, 31 FCC Rcd 11272 (rel. Sept. 30, 2016), ¶ 31 & n.88.*

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<sup>1</sup> Saratoga Radio notes that the Commission undertook the same analysis requested here in granting FCC File Number BAL-20190503ABD, pursuant to which Saratoga Radio acquired station WSSV(AM), Facility ID No. 41582, from Empire Broadcasting Corporation (Empire is the assignor in the instant application, too).