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April 15, 2014

Via Courier

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Accepted/Filed

APR 15 2014

FCC Office of the Secretary

Dear Ms. Dortch:

I am writing on behalf of UA-ASU-TSU Educational Radio Corp. ("UA-ASU-TSU"), the licensee of noncommercial educational FM Station WAPR(FM), Selma, AL, in response to a document styled "Petition for Reconsideration" filed by Black Smith Multi-Media, Inc. ("Black Smith") on March 25, 2014. For the reasons set out below, that document can and should be summarily dismissed without consideration by the Commission.

The Black Smith submission references two applications, File Nos. BMLED-20140212ADP and BLSTA-20140106DNM, both of which were dismissed on February 24, 2014, according to CDBS. The submission purports to seek

reconsideration of the staff's February 12, 2014, decision denying ("PBMM") with respect to WAIQ, (Petition) to Deny the application of UA-ASU-TSU Educational Radio Corporation seeking ("NCEC") for a new noncommercial educational ("NCE") FM station in Tuscaloosa, AL ("NCEC Application"), granting the NCEC Application, and dismissing UA-ASU-TSU Educational Radio Corporation for a new NCE FM station in Tuscaloosa, AL ("UA-ASU-TSU Application"); 2 and (2) NCEC'S request for waiver of Section 73.3573 of the Commission's Rules ("Rules"), 3 for reasons stated below, dismissed the NCEC Application, and accept for filing PBSMM.

Marlene H. Dortch, Secretary
Federal Communications Commission
April 15, 2014
Page 2

The text quoted above, as incomprehensible as it is, is precisely what Black Smith filed.¹ (The quotation above was cut-and-pasted from the Black Smith submission.) The submission does not identify the “decision” referenced, nor does it offer any discussion as to why that “decision” should be reconsidered.

The totality of anything that might be in any way characterized as an “argument” of any kind consists of the following three bullet points which, according to Black Smith, “warrant[] consideration”:

- Diversity of local Ownership
- In December 2009, Forfeiture Order. See Attached
File No. BRED-20040121ABC
File No. MB-2006414140095
- As of 12/19/2013 Remain Silent Authority & Silent Notification

Again, the text quoted is as it appears in the Black Smith submission, without additions or deletions.

Plainly, the Black Smith submission cannot be considered. The applications referenced by Black Smith were apparently dismissed on February 24, not February 12, and as noted below, the applications are totally unrelated. Black Smith does not offer any explanation as to why whatever decision or action Black Smith may be referring to (even if to the February 24 dismissals) should be reconsidered or why that decision or action was in any way erroneous. The bullet points that it claims “warrant[] consideration” provide absolutely no basis whatsoever for any Commission action, nor is there any basis for any action. Accordingly, the Commission must summarily dismiss Black Smith’s submission.

Moreover, it must be noted that one of the referenced applications was an unauthorized filing by Black Smith. File No. BMLED-20140212ADP is a Form 302-FM application purporting to seek modification of the licensed facilities of Station WAPR(FM), a station which is (and has at all times since its initial licensing in 1996, been) licensed to UA-ASU-TSU, an entity established by three State universities. Despite the fact that UA-ASU-TSU is the licensee and, therefore, the only party that could permissibly seek modification of the station’s license, the referenced application was filed by Black Smith using the FCC Registration Number

¹ Among other things, the Black Smith submission: (a) references without explanation Station WAIQ, a noncommercial television station licensed to the Alabama Educational Television Commission, a State entity which has no connection to Black Smith or to either of the applications mentioned by Black Smith; (b) suggests that AU-ASU-TSU is currently seeking a new noncommercial FM station in Tuscaloosa, AL, which it is not; (c) alludes to an “NCEC Application” and apparently related waiver request which is totally inexplicable; (d) asks that the Commission accept “PBSMM”, which Black Smith did not define.

Marlene H. Dortch, Secretary
Federal Communications Commission
April 15, 2014
Page 3

0005018494. As reflected in CDBS, that FRN is not now and has never been associated with Station WAPR(FM). Further, the application was not prepared in the CDBS account used by UA-ASU-TSU for WAPR-related filings. Precisely how Black Smith managed to submit the application is not at all clear, but it is totally clear that Black Smith had no right to submit the application. Since UA-ASU-TSU, the licensee of Station WAPR(FM), did not file, or authorize the filing of, the modification application in question, the dismissal of that application was not only appropriate but necessary.²

In view of all of the above, UA-ASU-TSU submits that the Black Smith submission must be summarily dismissed.³

Sincerely,



M. Scott Johnson

MSJ/mbj

cc: Black Smith Multi-Media, Inc.
(Certificate of Service attached)

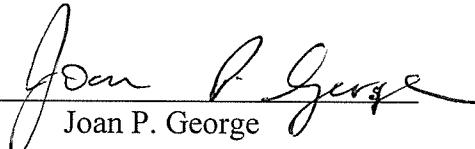
² The other application referenced by Black Smith – BLSTA-20140106DNM – was a routine request for special temporary authority filed by UA-ASU-TSU as required in order to temporarily remain silent due to the need to replace a failed transmission line which, as the Commission was notified, was accomplished by February 17, 2014. Precisely why Black Smith believes that the February 24, 2014, dismissal of that application– with which Black Smith had nothing to do with– is not explained by Black Smith.

³ In the event on its own motion the Commission reviews the conduct of Black Smith in making the unauthorized filing of the Form 302-FM application File No. BMLED-20140212ADP, it is noted, as is a matter of record, that Black Smith also filed an unauthorized Form 302-DTV application, File No. BMLEDT-20140212ADQ, as to television Station WAIQ, which was dismissed by the Commission on February 25, 2014, upon the request of the licensee, the Alabama Educational Television Commission. But, any such review should be undertaken after the Black Smith submission has been dismissed; that is, the submission can and should in any event be dismissed immediately.

CERTIFICATE OF SERVICE

I, Joan P. George, an assistant in the law firm of Fletcher, Heald & Hildreth, P.L.C. do hereby certify that a true copy of the attached letter dated April 15, 2014 to the Federal Communications Commission, on behalf of UA-ASU-TSU Educational Radio Corp, was sent this 15th day of April 2014 via United States First Class Mail, postage prepaid otherwise, to the following:

Black Smith Multi-Media, Inc.
6608 Concord Mews
Montgomery, AL 36116


Joan P. George