

Character Issues

Since 2005, Edward Stolz (“Stolz”) has filed objections to the qualifications of Entercom in connection with pending license renewal applications for stations owned by Entercom. In separate decisions released March 4, 2008 (DA 08-495), September 6, 2012 (1800B3-MM), October 14, 2014 (1800B3-JWF/AJR), March 18, 2015 (1800B3-SS), October 27, 2016 (FCC 16-141) and January 18, 2017 (1800B3-JM), the FCC has denied or dismissed these objections and granted multiple renewal applications for stations owned by Entercom. On February 22, 2017, Stolz filed a Petition for Reconsideration against the Commission’s January 18, 2017 decision. The FCC dismissed that Petition on September 11, 2017. In connection with the 2013 renewal application for station KDND(FM) (Facility ID No. 65483) in Sacramento, CA, the Media Action Center in El Dorado Hills and Sue Wilson (collectively, “MAC”) filed a Petition to Deny the renewal application, raising a claim that Entercom License, LLC (“Entercom License”), a subsidiary of Entercom, lacks the character qualifications to be an FCC licensee. Stolz raised similar character issues in a reply pleading filed December 23, 2013.

On October 27, 2016, the FCC released a Hearing Designation Order and Notice of Opportunity for Hearing (“HDO”) (FCC 16-153), setting the July 28, 2005 and July 30, 2013 KDND license renewal applications for hearing on issues relating to whether Entercom License operated KDND in the public interest. In the HDO (at note 122), the Commission declined to designate for hearing any character qualification issues. On January 9, 2017, in response to the HDO, MAC filed a Petition to Enlarge Issues, requesting that the hearing address issues related to Entercom’s character qualifications to remain a Commission licensee. On February 8, 2017, KDND permanently ceased operation and surrendered its license to the FCC. On the same date, Entercom License filed a Motion to Dismiss the pending KDND renewal applications and terminate the hearing. MAC opposed the Motion on February 10, 2017 and Stolz filed comments and renewed his prior arguments. On February 22, 2017, Entercom and MAC filed a Joint Motion for Approval of Settlement Agreement Pursuant to Section 73.3588. Pursuant to the Settlement Agreement, MAC agreed to dismiss with prejudice its Petition to Deny and Petition to Enlarge. On March 16, 2017, the Administrative Law Judge issued an Order granting the Joint Motion for Approval of Settlement and Entercom’s Motion to Dismiss, and terminated the HDO proceeding.

On May 1, 2017, Stolz and Deborah J. Naiman filed virtually identical Petitions to Deny the Entercom Merger Applications and the applications for consent to assign certain Entercom and CBS Radio stations to the Entercom Trust, claiming that the FCC cannot grant the Entercom Merger Applications until it resolves certain issues raised in the proceedings described above. CBS Radio and Entercom filed a joint Opposition to those Petitions to Deny. Subsequently, Stolz has filed a number of supplemental pleadings, primarily alleging that CBS Corporation and CBS Radio lack requisite character qualifications to be an FCC licensee (MB Docket No. 17-85).