



Federal Communications Commission
Washington, D.C. 20554

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Retro Television, Inc.
c/o Aaron P. Shainis, Esq.
Shainis & Peltzman, Chartered
1850 M Street, NW, Suite 240
Washington, DC 20036
aaron@s-plaw.com

HC Station Group, Inc.
c/o Trey Hanbury, Esq.
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, DC 20004
trey.hanbury@hoganlovells.com

Retro Television, Inc.
c/o Joan Stewart, Esq.
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006
jstewart@wileyrein.com
ameltzer@wileyrein.com

Re: Application for Consent to Assignment of License of
Digital Class A Television Station

WPVN-CD, Chicago, Illinois
Facility ID No. 168237
File No. BALCDT-20180601ABR

Counsel,

We have before us a Petition for Reconsideration (Petition) filed by Retro Television, Inc. (RTV). RTV that seeks reconsideration of the Division's grant of the above-captioned, unopposed application (Application) for consent to assign station WPVN-CD, Chicago, Illinois (the Station), from WPVN Holdings LLC (WPVN Holdings) to HC2 Station Group, Inc. (HC2, collectively with WPVN Holdings, the Applicants).¹ WPVN Holdings subsequently filed an Opposition to the Petition for Reconsideration (Opposition).² We dismiss in part and deny in part the Petition for the reasons below.

¹ Petition for Reconsideration of Retro Television, Inc. (filed Aug. 27, 2018) (Petition).

² Opposition to Petition for Reconsideration, filed by WPVN Holdings LLC (filed Sep. 6, 2018) (Opposition).

Background. On June 7, 2018, the staff accepted for filing the above-captioned application seeking consent to assign the license of the Station from WPVN Holdings,³ whose 99% controlling shareholder is Polnet Communications, Ltd. (Polnet). The application was granted on July 23, 2018.⁴ RTV filed its Petition subsequent to grant and did not participate earlier in the proceeding.

RTV argues that Polnet sent RTV an August 21, 2018, letter informing RTV that its right to broadcast programming on the Station's subchannel pursuant to a preexisting Affiliation Agreement would terminate on August 23, 2018.⁵ RTV claims that it did not file a petition to deny because it had no reason to believe that the transaction would impact its right to broadcast on the Station's subchannel, despite the fact that, by its own admission, the Affiliation Agreement was mentioned in section 1.1 of the Purchase and Sale Agreement.⁶ RTV further claims that it has never had dealings with, or ever made payments to, Polnet. Accordingly, RTV argues that the Commission should now reconsider its grant of the Application because the letter terminating the Affiliation Agreement raises "a question as to what entity is actually the licensee [of the Station]."⁷ RTV further argues that, if the Commission should find that the actual licensee of the Station is different from what is reflected in the Commission's records, then the Commission should take unspecified "appropriate" action.⁸

WPVN Holdings argues that the Petition "is nothing more than a thinly-veiled invitation for the FCC to involve itself in a private contractual dispute," and is both "procedurally and substantively flawed."⁹ We agree.

Discussion. Section 1.106(b)(1) of the Commission's requires, among other things that RTV show "good reason why it was not possible for [it] to participate in earlier stages in the proceeding."¹⁰ RTV had a reasonable opportunity to protect its interests prior to grant of the application. Regardless, RTV fails to demonstrate that the issuance of the termination letter by Polnet as opposed to WPVN Holdings calls into question the true licensee of the Station. The Station's most recent ownership report clearly shows that Polnet holds a 99 percent voting interest in WPVN Holdings. WPVN Holdings, prior to consummation of the sale to HC2, was the licensee of the Station, regardless of Polnet's controlling interest. To the extent RTV argues that the termination letter was improper, the matter involves a private contractual dispute outside the purview of the Commission.¹¹

³ *Broadcast Applications*, Public Notice, Report No. 29252 (MB June 7, 2018).

⁴ See File No. BALCDT-20180601ABR (granted Jul. 23, 2018).

⁵ Petition at 2.

⁶ *Id.*

⁷ *Id.* at 3.

⁸ *Id.*

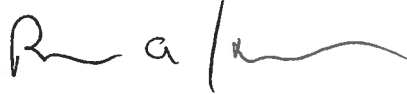
⁹ Opposition at 1.

¹⁰ 47 CFR § 1.106(b)(1) ("If the petition [for reconsideration] is filed by a person who is not a party to the proceeding...[the person] shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding.").

¹¹ See *Arecibo Radio Corp.*, Memorandum Opinion and Order, 101 FCC 2d 545, 548 (1985); *John F. Runner*, Receiver, Memorandum Opinion and Order, 36 RR 2d 773, 778 (1976) (local court of competent jurisdiction, not the FCC, is the proper forum to resolve private disputes).

Accordingly, **IT IS ORDERED**, that the Petition for Reconsideration filed by Retro Television, Inc., **IS DISMISSED** in part, and **DENIED** in part.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a stylized flourish at the end.

Barbara A. Kreisman
Chief, Video Division
Media Bureau