

REQUEST FOR EXTENSION OF TIME UNDER SECTION 73.3598(a)

The proposed assignee, Westport Radio Partners, LLC (“Westport”), hereby requests, pursuant to Section 73.3598(a) of the Commission’s rules, 47 C.F.R. § 73.3598(a), 18 months from consummation of the transaction proposed herein to complete construction of, and file an application for license to cover, the Construction Permit which is the subject of this assignment application. That Construction Permit currently has an expiration of 3:00 a.m. on May 23, 2009. In support of this extension request, the following is submitted.

In December 2007, the Commission adopted a number of measures modifying certain of its rules and policies to encourage ownership diversity and new entry into broadcasting.¹ Section 73.3598(a) of the Commission’s rules was revised “to permit the sale of expiring construction permits to eligible entities that pledge to build out the permit within the time remaining in the original construction permit or within 18 months, whichever is greater.”² That Section now states:

An eligible entity that acquires an issued and outstanding construction permit for a station in any of the services listed in this paragraph shall have the time remaining on the construction permit or eighteen months from the consummation of the assignment or transfer of control, whichever is longer, within which to complete construction and file an application for license. For purposes of the preceding sentence, an “eligible entity” shall include any entity that qualifies as a small business under the Small Business Administration’s size standards for its industry grouping, as set forth in 13 CFR 121 through 201, at the time the transaction is approved by the FCC, and holds (1) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will hold the construction permit; or (2) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will hold the construction permit, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (3) More than 50 percent of the voting power of the corporation that will hold the construction permit if such corporation is a publicly traded company.

Westport qualifies as an “eligible entity” under Section 73.3598(a). It is a new entity with no annual receipts. Its parent company, Convergence Entertainment and Communications, LLC (“CEC, LLC”) was formed in 2002. In its best year to date, CEC, LLC’s annual receipts did not exceed \$200,000. Section 121.201 of the Small Business Size Regulations, 13 C.F.R. § 121.201, lists the size standards used by the SBA to determine whether an entity qualifies as a small business. Under that SBA rule, a radio entity with less than \$6.5 million in annual receipts is considered a “small business.” Neither Westport, nor its parent company, nor any of its principals individually, had annual revenues of \$6.5 million or greater during either of the past two years. Therefore, Westport qualifies as an “eligible entity” under Section 73.3598(a) of the Commission’s rules and is entitled to the 18-month extension of the subject Construction Permit. Westport pledges to construct the station within the time period afforded by the requested extension.

¹ See *Promoting Diversification of Ownership in the Broadcasting Services*, Report and Order and Third Further Notice of Proposed Rulemaking, 23 FCC Rcd. 5922 (2007).

² *Id.* at 5930.