

## EXHIBIT 1

### Assignor's Request for Waiver of Section 73.3518

The instant application (the "Committee Application") seeks consent for the assignment of Assignor's licenses to the licensee subsidiaries of a reorganized Young Broadcasting Inc. ("Reorganized Young"). Previous to the filing of the instant application, the Assignor filed an application (the "New Young Application") seeking consent for the assignment of its licenses to a licensee subsidiary of New Young Broadcasting Holding Co., Inc. ("New Young").<sup>1</sup> In connection with Committee Application and the New Young application, the Assignor hereby respectfully requests waiver of Section 73.3518 of the Rules, the Commission's conflicting applications rule.

The Assignor and its parent company Young Broadcasting Inc., Debtor-in-Possession ("Young") are debtors in possession in Chapter 11 cases in the United States Bankruptcy Court for the Southern District of New York. See *In re Young Broadcasting, Inc., et. al.*, Case No. 09-10645 (AJG) (Chapter 11) (Jointly Administered) (Bankr. S.D.N.Y.). Two competing sets of creditors are active in the bankruptcy case: (1) the Committee of Unsecured Creditors (the "Committee") who seek to own control of the Assignee in the instant application; and (2) the Prepetition Secured Lenders, who own New Young, the proposed parent company of the assignees in the previously filed series of assignment applications.

On July 29, 2009, the bankruptcy court entered an order authorizing and approving the sale of Young's assets, including the Assignor's FCC licenses, to New Young. Under that order, the closing is subject to the confirmation of a Chapter 11 plan solely under the authority of Bankruptcy Code Section 363 and 365 or except upon further order of the bankruptcy court. The Assignor and New Young entered into the Asset Purchase Agreement submitted in connection with the previously-filed applications on July 29, 2009, and filed FCC Forms 314 on or around August 20, 2009.

The Committee of Unsecured Creditors (the "Committee") in the bankruptcy case has objected to the sale of Young's assets and licenses to New Young. The Committee has proposed

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<sup>1</sup> Applications proposing the assignment of licenses from each licensee subsidiary of Young Broadcasting Inc., Debtor-in-Possession, to licensee subsidiaries of New Young are pending in the following FCC File Numbers:

- BALCDT-20090820ACC, WATE-TV
- BALCDT-20090820ACD, KELO-TV, KDLO-TV, and KPLO-TV
- BALCDT-20090820ACJ, KLFY-TV
- BALCDT-20090820ACL, KRON-TV
- BALCDT-20090820ACO, WKRN-TV
- BALCDT-20090820ACP, KCLO-TV
- BALCDT-20090820ACR, WTEN and WDCD-TV
- BALCDT-20090820ACU, WLNS-TV
- BALCDT-20090820ACV, KWQC-TV
- BALCDT-20090820ACW, WBAY-TV
- BALCDT-20090820ACY, WRIC-TV

an alternative plan, pursuant to the Bankruptcy Court's order dated August 12, 2009, which is being submitted in connection with the instant Committee Application. (*See* Exhibit 4.)

Consistent with the obligation under federal bankruptcy law to maximize the protection of innocent creditors in Chapter 11 cases, the bankruptcy judge has indicated that he wishes to consider both the New Young proposal and the Committee proposal for Reorganized Young before confirming a final Chapter 11 plan. As such, both proposals are presently under consideration by the bankruptcy court.

While the New Young Application and the Committee Application are presumably conflicting under Section 73.3518 of the Commission's rules, the Assignor submits that good cause exists for waiver of the prohibition on conflicting applications in the instant case.

In accordance with Section 1.3 of the Commission's rules, "[a] waiver is appropriate when special circumstances warrant a deviation from the general rule and such deviation will serve the public interest." *Northwest Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

The Commission's review of both the Committee Application and the New Young Application would serve the public interest by facilitating and advancing the bankruptcy case and the federal public policy interests represented by the bankruptcy code. As indicated above, the bankruptcy judge has under consideration both the Committee proposal and the New Young proposal. The Commission's parallel review of the Committee Application and the New Young Application, together with the bankruptcy court's review of the competing proposals, would help expedite the satisfaction of conditions precedent to closing the final confirmed plan. In particular, the Commission's consideration of both proposals would allow for the statutory public notice and public review period to commence pursuant to Section 309(b) of the Communications Act (47 U.S.C. § 309) so that the Commission's disposition of the application for the final court-approved proposal could occur expeditiously following the bankruptcy court's confirmation of the final Chapter 11 plan (upon the selection of one of the plans by the bankruptcy court, the Assignor will withdraw the conflicting assignment application). As such, the Commission's parallel review of the applications would thus help facilitate one of the principal goals of the bankruptcy laws to maximize the protection of innocent creditors through efficient management and closing of Chapter 11 cases. *See, e.g., In re Timbers of Inwood Forest Associates, Ltd.*, 808 F.2d 363 (5<sup>th</sup> Cir. 1987).

The D.C. Circuit has held that the FCC is required to consider whether its rules or policies "might conflict with other federal policies and whether such conflict can be minimized." *LaRose v. FCC*, 494 F.2d 1145, 1146 n.2 (D.C. Cir. 1974). The Assignor submits that application of the conflicting applications rule (Section 73.3518) in the instant case would be contrary to the aim of the bankruptcy laws to protect innocent creditors through the efficient management of the bankruptcy case, and that such conflict could be minimized by a waiver of the rule. The Assignor further submits that promotion of the aims of federal bankruptcy policies with a waiver similarly advances the public interest. As such, under the special circumstances and federal interests presented here, good cause exists and the public interest would be served by waiver of Section 73.3518. Through conversations with the Media Bureau staff, the Assignor understands that this is not a case of first impression and that similar consideration and relief were afforded to applications in connection with the bankruptcy of Federal Broadcasting.

For the forgoing reasons, the Assignor respectfully requests that the Commission waive Section 73.3518 and accept the Committee Application for filing and public notice, notwithstanding the prior acceptance and placement on public notice of the New Young Application.

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