

### **CHARACTER ALLEGATIONS**

On April 7, 1999, Davis Broadcasting, Inc. ("Davis") filed a Petition to Deny (the "First Davis Petition") an application seeking Commission consent to assign the FCC authorizations for Stations WDAK(AM), Columbus, Georgia and WSTH-FM, Alexander City, Alabama (File Nos. BAL(H)-1990204EB-EC) from Solar Broadcasting Company, Inc. to Cumulus Licensing Corp. ("CLC"). The First Davis Petition and Davis' subsequent related pleadings alleged that CLC lacked candor with respect to certain matters that were not disclosed in the assignment application and that CLC had made certain misrepresentations in its pleadings. On September 11, 2000, Davis filed a second Petition to Deny (the "Second Davis Petition") an application filed by CLC seeking to assign certain FCC authorizations in the Columbus, Georgia area (File Nos. BAL(H)-20000728ACS-ACX). The Second Davis Petition repeated the allegations in the First Davis Petition.

In a *Memorandum Opinion and Order* released March 19, 2002, the Commission denied the First and Second Davis Petitions, granted the applications in File Nos. BAL(H)-2000728ACS-ACX, and, at CLC's request, dismissed the applications in File Nos. BAL(H)-19990204EB-EC. *Solar Broadcasting Company, Inc.*, 17 FCC Rcd 5467 (2002) ("*Solar*"). The Commission indicated that it would address some of Davis' allegations when it acted on another application in a separate pending proceeding. *See* 17 FCC Rcd at 5492. The Commission's decision in *Solar* is currently under review by the U.S. Court of Appeals for the D.C. Circuit (Case No. 02-1109).

Lyn Communications, Inc. ("Lyn") also filed Petitions to Deny (the "Lyn Petitions") certain applications requesting the FCC's consent to transfer control or assign the licenses for radio stations in the Mobile, Alabama and Pensacola, Florida areas to Cumulus Media Inc. or its

subsidiaries. The Lyn Petitions contain essentially the same allegations raised in the Davis Petitions. The Lyn Petitions have been denied by the Commission and the subject applications have been granted. Lyn has filed an application for review with the full Commission seeking review of the Media Bureau's action.