

IN THE APPLICATIONS FOR ASSIGNMENT OF STATIONS WDBC/WYKX (FM), ESCANABA, MICHIGAN (BAL-20021018ABC AND BALH-20021018ABD) BETWEEN KMB BROADCASTING, INC. AND STARBOARD MEDIA FOUNDATION, INC. ('STARBOARD') ALLEGATIONS OF MISREPRESENTATION WERE RAISED BY PETITIONER POLLY FLINDERS AGAINST STARBOARD. IN ITS LETTER OF MARCH 13, 2003 GRANTING THE APPLICATIONS, THE COMMISSION FOUND, INTER ALIA, THAT ADMITTED INACCURACIES IN STARBOARD'S APPLICATION DID NOT AMOUNT TO AN AFFIRMATIVE AND DELIBERATE ATTEMPT TO DECEIVE, THAT THE ERRORS WERE NOT DISQUALIFYING AND DID NOT RISE TO THE LEVEL OF INTENTIONAL MISREPRESENTATION. THE DECISION WAS APPEALED BY MS. FLINDERS IN AN APPLICATION FOR REVIEW. ON JUNE 29, 2004, FLINDERS WITHDREW HER APPLICATION FOR REVIEW AND ALL RELATED PLEADINGS IN RETURN FOR TERMINATION OF THE CONTRACT FOR ASSIGNMENT OF THE LICENSES AND ASSETS FOR WDBC/WYKX (FM). KMB AND STARBOARD TERMINATED THEIR ASSET PURCHASE AGREEMENT, AND NOTIFIED THE FCC THAT THE ASSIGNMENTS WOULD NOT BE CONSUMMATED. BY LETTER OF JULY 8, 2004, THE COMMISSION DISMISSED THE APPLICATION FOR REVIEW AND ALL RELATED PLEADINGS.