

Character Issues

FCC Form 302-FM – Legal and Financial, Section II, Item 4

On September 13, 1999, Lyn Communications, Inc. filed Petitions to Deny (the “Lyn Petitions”) against certain applications requesting the FCC’s consent to the transfer of control or assignment of license to Cumulus Media, Inc. or its subsidiaries of FCC authorizations for radio stations in the Mobile, Alabama, and Pensacola, Florida areas (BAL-19990702GG, BALH-19990702GH, BTCH-19990622GX, BTCH-19990622GV, BALH-19990712GW, BAL-19990712GX). The Lyn Petitions assert allegations related to Cumulus’ candor which were previously made in an earlier proceeding and rejected by the Commission. The Commission’s earlier decision was upheld in a recent decision by the U. S. Court of Appeals. *Davis Broadcasting, Inc. v. FCC*, No. 02-1109, 2003 U.S. App. Lexis 9584 (DC Cir. May 16, 2003) (per curiam).

The Lyn Petitions have also been denied and the assignment and transfer applications granted by the FCC. On November 22, 1999, Lyn Communications, Inc. filed Applications for Review of each action. On September 2, 2003, the Commission dismissed the Applications for Review as moot. The dismissals, however, are not yet final.