



Federal Communications Commission
Washington, D.C. 20554
October 27, 2020

In Reply Refer To:
1800B3-AR

Family Unity Outreach Ministry, Inc.
c/o Mr. William Johnson
900 NW 8th Avenue, Suite G
Gainesville, FL 32601
(via email to familyunityoutreach@yahoo.com)

Come Together Productions, Inc.
c/o Mr. Wayne Irwin
2121 NW 2nd Street
Gainesville, FL 32609
(via email to pureenergysolar@hotmail.com)

In re: WMBT-LP, Gainesville, FL
Facility ID No. 196950
File No. BALL-20200218ABC

Petition for Reconsideration

Dear Applicants:

We have before us a petition for reconsideration (Petition) filed by Family Unity Outreach Ministry, Inc. (FUOM) and Come Together Productions, Inc. (CTP) (together, Parties) on July 2, 2020. The Parties seek reconsideration of the Audio Division, Media Bureau (Bureau)'s June 5, 2020 dismissal of the above referenced application (Application)¹ for consent to assign the license and sell the assets of low power FM (LPFM) station WMBT-LP, Gainesville, Florida (Station).² For the reasons set forth below, we deny the Petition.

Background. After the Bureau's dismissal of the Application, the Parties filed an amendment (Amendment) to the Application. In the Amendment, the Parties submitted a new asset purchase agreement (APA) with a purchase price of \$14,200.³ The APA includes a listing of the assets, depreciation table with the present claimed value of the assets, and excludes any agreement to make a donation.

¹ The Application was filed on February 19, 2020. See *Broadcast Actions*, Public Notice, Report No. 29679 (rel. Feb. 21, 2020); BALL-20200218ABC.

² See *Family Unity Outreach Ministry, Inc.*, Letter Order, (MB Jun. 5, 2020) (Letter Order). The Application was dismissed by Bureau staff on June 5, 2020. See *Broadcast Actions*, Public Notice, Report No. 49756 (rel. Jun. 10, 2020); BALL-20200218ABC.

³ As originally filed, the APA specified a price of \$30,000, consisting of a sale of equipment that FUOM claimed to have purchased for \$40,000 and, after depreciation, valued at \$27,500, plus a donation of \$2,500. Letter Order at 1.

In the Petition, FUOM and CTP argue that because the APA lists the tangible goods to be purchased, the goods' total value is lowered for depreciation, and the APA does not include any donations, the APA complies with section 73.865(a) of the Commission's rules (Rules). The Parties request reconsideration of the Application's dismissal, and reinstatement *nunc pro tunc* to make the Amendment and Application acceptable for filing.

Discussion. The Bureau will consider a petition for reconsideration only when the petitioner shows either a material error in the original order or raises additional facts not known or existing at the time of the petitioner's last opportunity to present such matters.⁴ The Parties have not demonstrated that the Letter Order erred in dismissing the Application, and the Amendment does not warrant reinstatement of the Application *nunc pro tunc*.

As detailed in the Letter Order,⁵ the Application as originally filed did not comply with section 73.865 of the Rules⁶ because FUOM did not document the alleged value of the Station's equipment and facilities and proposed a donation as part of the APA.

While the APA in the pending Amendment excludes the donation and reduces the purchase price to reflect a lower value for the Station's assets, the Parties still have not provided any documentation to support a conclusion that the total purchase price does not exceed "the depreciated fair market value of the physical equipment and facilities."⁷ Instead, the Parties merely attach a list of the Station's claimed assets.

Conclusion. For the reasons stated above, we find that the Parties have not demonstrated that the Bureau erred in dismissing the Application, nor submitted a showing in the Amendment warranting reinstatement *nunc pro tunc* of the Application. Therefore, we will deny the Petition and dismiss the Amendment.

Accordingly, IT IS ORDERED, that the Petition for Reconsideration filed by Family Unity Outreach Ministry, Inc. and Come Together Productions, Inc. on July 2, 2020, IS DENIED.

IT IS FURTHER ORDERED that the Amendment filed by Family Unity Outreach Ministry, Inc., to amend the application for consent to assign the license of low power FM station WMBT-LP, Gainesville, Florida, Facility ID No. 196950, File No. BALL-20200218ABC, IS DISMISSED.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁴ 47 CFR § 1.106(c); *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686, para. 2 (1964), *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 397 U.S. 967 (1966); *Davis & Elkins Coll.*, Memorandum and Order, 26 FCC Rcd 15555, 15556, para. 5 (MB 2011).

⁵ Letter Order at 1-2.

⁶ See 47 CFR § 73.865(a) ("No party may assign or transfer an LPFM license if... [c]onsideration promised or received exceeds the depreciated fair market value of the physical equipment and facilities...").

⁷ *Id.*