



(REFERENCE COPY - Not for submission)

Assignments

Lead File Number: **BALH-20091221ADX** | Submit Date: **12/21/2009** | Lead Call Sign: **KBAY** | FRN: **0022491476**

Service: **Full Power FM** | Purpose: **Assignment of Authorization** | Status: **Granted** | Status Date: **12/28/2009** | Filing Status: **Active**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
Waivers	Does this filing request a waiver of the Commission's rule(s)?	
	Total number of rule sections involved in this waiver request:	

Assignments Type

Question	Response
Is this application a pro forma Assignment of Authorization?	Yes
By answering "Yes" the Applicant certifies that the use of short form pro forma application is appropriate for this transaction?	Yes
Is the Assignment Voluntary or Involuntary:	Involuntary

Authorizations to be Assigned

Selected Call Signs				
Call Sign	Facility ID	File Number	Service	City, State
WJOL	62235	BAL-20091221AED	AM	JOLIET, IL
WKRS	10450	BAL-20091221AEF	AM	WAUKEGAN, IL
WSGW	22674	BAL-20091221AEL	AM	SAGINAW, MI
WANG	47108	BAL-20091221AEO	AM	HAVELOCK, NC
WRNS	36944	BAL-20091221AET	AM	KINSTON, NC
WHBC	4489	BAL-20091221AEV	AM	CANTON, OH
WRNN	24775	BAL-20091221AEZ	AM	MYRTLE BEACH, SC
WLIP	28478	BAL-20091221AFG	AM	KENOSHA, WI
KBAY	35401	BALH-20091221ADX	FM	GILROY, CA
KEZR	1176	BALH-20091221ADY	FM	SAN JOSE, CA
WERV-FM	73171	BALH-20091221ADZ	FM	AURORA, IL
WRXQ	3959	BALH-20091221AEA	FM	COAL CITY, IL

WCCQ	10677	BALH-20091221AEB	FM	CREST HILL, IL
WWYW	3135	BALH-20091221AEC	FM	DUNDEE, IL
WSSR	62240	BALH-20091221AEE	FM	JOLIET, IL
WXLC	10451	BALH-20091221AEG	FM	WAUKEGAN, IL
WZSR	53505	BALH-20091221AEH	FM	WOODSTOCK, IL
WSGW-FM	41842	BALH-20091221AEI	FM	CARROLLTON, MI
WCEN-FM	60787	BALH-20091221AEJ	FM	HEMLOCK, MI
WGER	20384	BALH-20091221AEK	FM	SAGINAW, MI
WTLZ	74093	BALH-20091221AEM	FM	SAGINAW, MI
WQZL	47883	BALH-20091221AEN	FM	BELHAVEN, NC
WSSM	47106	BALH-20091221AEP	FM	HAVELOCK, NC
WQSL	28171	BALH-20091221AEQ	FM	JACKSONVILLE, NC
WXQR-FM	28172	BALH-20091221AER	FM	JACKSONVILLE, NC
WRNS-FM	36950	BALH-20091221AES	FM	KINSTON, NC
WERO	64609	BALH-20091221AEU	FM	WASHINGTON, NC
WHBC-FM	4488	BALH-20091221AEW	FM	CANTON, OH
WKZQ-FM	13890	BALH-20091221AEX	FM	FORESTBROOK, SC
WMYB	27265	BALH-20091221AEY	FM	MYRTLE BEACH, SC
WYAV	36947	BALH-20091221AFA	FM	MYRTLE BEACH, SC
WRNN-FM	53949	BALH-20091221AFB	FM	SOCASTEE, SC
KMKT	77588	BALH-20091221AFC	FM	BELLS, TX
KLAK	36265	BALH-20091221AFD	FM	TOM BEAN, TX
KMAD-FM	54812	BALH-20091221AFE	FM	WHITESBORO, TX
WIIL	28473	BALH-20091221AFF	FM	UNION GROVE, WI

Assignment Questions

Question	Response
Were any of the authorizations that are the subject of this application obtained through the Commission's competitive bidding procedures (see 47 C.F.R. Sections 1.2111(a) and 73.5000)?	
Were any of the authorizations that are the subject of this application obtained through the Commission's point system for reserved channel noncommercial educational stations (see 47 C.F.R. Sections 73.7001 and 73.7003)?	
Have all such stations operated for at least 4 years with a minimum operating schedule since grant pursuant to the point system?	
Were any of the authorizations that are the subject of this application obtained after award of a dispositive Section 307(b) preference using the Tribal Priority, through Threshold Qualifications procedures, or through the Tribal Priority as applied before the NCE fair distribution analysis set forth in 47 C.F.R. § 73.7002(b)?	
Have all such stations operated for at least 4 years with a minimum operating schedule since grant?	
Do both the assignor and assignee qualify for the Tribal Priority in all respects?	

LPFM Licenses Only: Has it been at least 18 months since the initial construction permit for the LPFM station was granted?	
LPFM Licenses Only: Does the assignment of the LPFM authorization satisfy the consideration restrictions of 47 CFR Section 73.865(a)(1)?	
LPFM Licenses Only: Were any of the LPFM authorizations that are subject to this application obtained through the Commission's point system for low power FM stations (see 47 CFR Section 73.872)?	
If yes to question above, have all such LPFM stations operated for at least four years since grant pursuant to the point system?" (options – Y/N. If Yes, nothing further required. No requires attachment as follows)"If no to new sub question, list pertinent authorizations in an Exhibit and include in the Exhibit a showing that the transaction is consistent with the requirements of 47 CFR Section 73.865(a)(3).	

Assignor Information

Assignor Name, Type, and Contact Information

Assignor	Type	Address	Phone	Email	FRN
NM LICENSING LLC Assignor Doing Business As: NM LICENSING LLC	Other	6312 SOUTH FIDDLERS GREEN CIRCLE SUITE 205E GREENWOOD VILLAGE, CO 80111 United States	+1 (303) 694-9118		0005804810

Assignor Contact Representatives (1)

Contact Name	Address	Phone	Email	Contact Type
JOSEPH BELISLE LEIBOWITZ & ASSOCIATES	4400 BISCAYNE BLVD SUITE 880 MIAMI, FL 33137	+1 (305) 530-1322	JABELISLE@BROADLAW.COM	

Assignor Legal Certifications

Section	Question	Response
Agreements for Sale /Transfer of Station	Assignor certifies that: (i) it has placed in Assignor's public inspection file(s) and submitted to the Commission as an Exhibit to this application copies of all agreements for the assignment /transfer of the station(s); (ii) these documents embody the complete and final understanding between Assignor and Assignee; and (iii) these agreements comply fully with the Commission's rules and policies	N/A
	If the transaction is involuntary, the Assignor certifies that court orders or other authorizing documents have been issued and that it has placed in the licensee's/permittee's public inspection file(s) and submitted to the Commission copies of such court orders or other authorizing documents.	Yes
Other Authorizations	Please upload an attachment detailing the call signs, locations, and facility identifiers of all other broadcast stations in which assignor or any party to the application has an attributable interest.	

Character Issues	Assignor certifies that neither licensee/permittee nor any party to the application has or has had any interest in, or connection with: (a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application or (b) any pending broadcast application in which character issues have been raised	Yes
Adverse Findings	Assignor certifies that, with respect to the Assignor and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
Local Public Notice	Assignor certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	
Auction Authorization	Assignor certifies that more than five years have passed since the issuance of the construction permit for the station being assigned, where that permit was acquired in an auction through the use of a bidding credit or other special measure.	
Anti-Discrimination Certification	Assignor certifies that neither licensee/permittee nor any party to the application have violated the Commission's prohibition against discrimination on the basis of race, color, religion, national origin or sex in the sale of commercially operated AM, FM, TV, Class A TV or international broadcast stations.	

Assignee Information

Assignee Name, Type, and Contact Information

Assignee	Type	Address	Phone	Email	FRN
NM LICENSING LLC DEBTOR IN POSSESSION Assignee Doing Business As: NM LICENSING LLC DEBTOR IN POSSESSION	Other	6312 SOUTH FIDDLERS GREEN CIRCLE SUITE 205E GREENWOOD VILLAGE, CO 80111 United States	+1 (303) 694-9118		0019413103

Section	Question	Response	File Number
Radio Station Applicants Only	If the station(s) being assigned is noncommercial educational or LPFM, the Assignee certifies that the Commission had previously granted a broadcast application, identified here by file number, that found this Assignee qualified as a noncommercial educational entity with a qualifying educational program, and that the Assignee will use the station(s) to advance a program similar to that the Commission has found qualifying in the Assignee's previous application.		

Assignee Contact Representatives (1)

Contact Name	Address	Phone	Email	Contact Type
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JOSEPH BELISLE LEIBOWITZ & ASSOCIATES	4400 BISCAYNE BLVD SUITE 880 MIAMI, FL 33137	+1 (305) 530- 1322	JABELISLE@BROADLAW. COM
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Changes in
Interest (0)

Party Name	Citizenship	Address	Phone	Email	Interest Before Assignment	Interest After Assignment
Empty						

Changes in
Interest
Certification

Question	Response
Applicant certifies that equity and financial interests not set forth by the assignee are nonattributable.	No

Parties to the
Application (0)

Party Name	Citizenship	Address	Phone	Email	Positional Interest
Empty					

Parties to the
Application
Certification

Question	Response
Applicant certifies that equity and financial interests not set forth by the assignee are nonattributable.	

Assignee Legal
Certifications

Section	Question	Response
Agreements for Sale	Assignee certifies that: (a) the written agreements in the Assignee's public inspection file and submitted to the Commission embody the complete and final agreement for the sale or transfer of the station(s); and (b) these agreements comply fully with the Commission's rules and policies.	Yes
Other Authorizations	Please upload an attachment detailing the call signs, locations, and facility identifiers of all other broadcast stations in which Assignee or any party to the application has an attributable interest.	
Multiple Ownership	Is the assignee or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio or television time brokerage agreement with the station (s) subject to this application or with any other station in the same market as the station(s) subject to this application?	N/A
	Assignee certifies that the proposed assignment complies with the Commission's multiple ownership rules.	N/A
	Assignee certifies that the proposed assignment: (1) does not present an issue under the Commission's policies relating to media interests of immediate family members; (2) complies with the Commission's policies relating to future ownership interests; and (3) complies with the Commission's restrictions relating to the insulation and nonparticipation of non-party investors and creditors.	N/A

	Does the Assignee claim status as an "eligible entity," that is, an entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. § 121-201), and holds (1) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or (2) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (3) More than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)?	N/A
	Does this assignment include a grandfathered cluster of stations?	N/A
	Applicant certifies that it will come in compliance by divesting the necessary station(s) within 12 months of the consummation of this transaction to: A) An Eligible Entity (as defined in Item 6d, above).	
	B) An Irrevocable Trust that will assign the station(s) to an Eligible Entity.	
	NCE Diversity of Ownership Points. Does the assignee or any party to the application have an attributable interest in an NCE FM or NCE TV station received through the award of "diversity of ownership" points in the point system analysis?	N/A
	If 'Yes,' the assignee certifies that (1) its attributable NCE FM or NCE TV station has been on the air for at least four years; and/or (2) none of the proposed assigned stations overlap the principal community contour of the NCE FM or NCE TV station received through the award of diversity points in the point system analysis (see 47 CFR Section 73.7005(c)).	
Acquisition of Control	Please upload an attachment listing the file number and date of grant of FCC Form 301, 314, or 315 application by which the Commission approved the qualifications of the individual or entity with a pre-existing interest in the licensee/permittee that is now acquiring control of the licensee/permittee as a result of the grant of this application.	
Character Issues	Assignee certifies that neither assignee nor any party to the application has or has had any interest in, or connection with: (a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or (b) any pending broadcast application in which character issues have been raised.	Yes

Adverse Findings	Assignee certifies that, with respect to the assignee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
Financial Qualifications	Assignee certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months.	
Program Service Certification	Assignee certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	
Auction Authorization	Assignee certifies that where less than five years have passed since the issuance of the construction permit and the permit had been acquired in an auction through the use of a bidding credit or other special measure, it would qualify for such credit or other special measure.	
Equal Employment Opportunity (EEO)	If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	

Assignee Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	
4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number, FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	

Assignee

Section	Question	Response
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Certification

General Certification Statements	Assignee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinentstandards and criteria set forth in the application instructions and worksheets.	
	The Assignee certifies that neither the Assignee nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1. 2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002 (c). The Assignee certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).	
	I certify that this application includes all required and relevant attachments.	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	JEFFREY DINETZ <i>VICE PRESIDENT AND MANAGER</i> 12/21/2009

Assignor Certification

Section	Question	Response
General Certification Statements	Assignor certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignor further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinentstandards and criteria set forth in the application instructions and worksheets.	

	The Assignor certifies that neither the Assignor nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1. 2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002 (c). The Assignor certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).	
	I certify that this application includes all required and relevant attachments.	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	JEFFREY DINETZ <i>VICE PRESIDENT AND MANAGER</i> 12/21/2009

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
1347988_6316283.pdf	Applicant	All Purpose	Exhibit 10 Changes In Interests	Done with Virus Scan and/or Conversion
1347988_6316296.pdf	Applicant	All Purpose	Ex 12A Non-Alta Interests	Done with Virus Scan and/or Conversion
1347988_6316297.pdf	Applicant	All Purpose	EX 12 B Alta Interests	Done with Virus Scan and/or Conversion
1347988_6318318.pdf	Applicant	All Purpose	Bankruptcy Petition	Done with Virus Scan and/or Conversion
1347988_813121.txt	Applicant	All Purpose	EXHIBIT 2	Done with Virus Scan and/or Conversion

<u>1347988_813122.txt</u>	Applicant	All Purpose	DOCUMENTS	Done with Virus Scan and/or Conversion
<u>1347988_813123.txt</u>	Applicant	All Purpose	AGREEMENTS	Done with Virus Scan and/or Conversion
<u>1347988_813124.txt</u>	Applicant	All Purpose	EXEMPTION FROM ATTRIBUTION	Done with Virus Scan and/or Conversion
<u>1347988_813125.txt</u>	Applicant	All Purpose	FCC APPLICATION	Done with Virus Scan and/or Conversion
<u>D:\data\prod\cdbsl\letters\17\A-1347988_F-35401_L-17212-BALH-20091221ADX.pdf</u>	Internal	All Purpose	imported letter	Done with Virus Scan and/or Conversion