Approved by OMB (Office of Management and Budget) 3060-0031
October 2020

Federal Communications Commission

(REFERENCE COPY - Not for submission)

# Assignments

Lead File Number: **BALDTL-20110222ADN** | Submit Date: **02/22/2011** | Lead Call Sign: **WYXN-LD** | FRN: **0021234943**
Service: **Low Power Digital TV** | Purpose: **Assignment of Authorization** | Status: **Superceded** | Status Date: **04/25/2011** | Filing Status: **Inactive**

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

## Authorizations to be Assigned

### Selected Call Signs

| Call Sign | Facility ID | File Number | Service | City, State |
|---|---|---|---|---|

## 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? | |

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|---|---|
| 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 |
|---|---|---|---|---|---|
| **RICHARD D. BOGNER**<br>**Assignor**<br>Doing Business As: RICHARD D. BOGNER | Other | 4 HUNTERS LANE<br>ROSLYN, NY 11576<br>United States | +1 (516) 627-5103 | RDBOGNER@AOL.COM | 0016026023 |

## Assignor Contact Representatives (1)

| Contact Name | Address | Phone | Email | Contact Type |
|---|---|---|---|---|
| **SHELLEY SADOWSKY, ESQ.**<br>DICKSTEIN SHAPIRO LLP | 1825 EYE ST., NW<br>WASHINGTON, DC 20006 | +1 (202) 420-3042 | SADOWSKYS@DICKSTEINSHAPIRO.COM | |

## Assignor Legal Certifications

| Section | Question | Response |
|---|---|---|
| **Agreements for Sale /Transfer of Station** | Assignor certifies that:<br>(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);<br>(ii) these documents embody the complete and final understanding between Assignor and Assignee; and<br>(iii) these agreements comply fully with the Commission's rules and policies | |
| | 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. | |
| **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:<br>(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<br>(b) any pending broadcast application in which character issues have been raised | | |
| **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. | | |
| **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 |
|---|---|---|---|---|---|
| **NEW YORK SPECTRUM HOLDING COMPANY, LLC**<br>**Assignee**<br>Doing Business As: NEW YORK SPECTRUM HOLDING COMPANY, LLC | Other | 4004 NE 4TH STREET SUITE 107-345<br>RENTON,<br>WA 98056<br>United States | +1 (202) 441-0021 | VERN@CMMBAMERICA.COM | 0021234943 |

| 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 |
|---|---|---|---|---|

| | | | |
|---|---|---|---|
| **PETER TANNENWALD**<br>FLETCHER, HEALD & HILDRETH, PLC | 1300 NORTH 17TH STREET<br>11TH FLOOR<br>ARLINGTON, VA 22209 | +1 (703) 812-0404 | TANNENWALD@FHHLAW.COM |

## 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. | |

## 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:<br>(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<br>(b) these agreements comply fully with the Commission's rules and policies. | |
| **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. | |
| **Broadcast Incubator Program** | Is the proposed facility the subject of an incubation proposal or a ‘reward’ waiver request under the Commission’s Broadcast Incubator Program? | |
| **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 |

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|---|---|---|
| | Assignee certifies that the proposed assignment:<br>(1) does not present an issue under the Commission's policies relating to media interests of immediate family members;<br>(2) complies with the Commission's policies relating to future ownership interests; and<br>(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<br>(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<br>(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<br>(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:<br><br>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:<br>(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<br>(b) any pending broadcast application in which character issues have been raised. | |
| **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. | |
| **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? | |

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| **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 Certification

| Section | Question | Response |
|---|---|---|
| **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**<br>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.<br>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. | |

## 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**<br>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.<br>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. | |

## Attachments

| File Name | Uploaded By | Attachment Type | Description | Upload Status |
|---|---|---|---|---|
| 1417390_7741185.pdf | Applicant | All Purpose | Time Brokerage and Purchase Option Agreement, as amended | Done with Virus Scan and /or Conversion |
| 1417390_7741186.pdf | Applicant | All Purpose | Escrow Agreement | Done with Virus Scan and /or Conversion |
| 1417390_7755117.pdf | Applicant | All Purpose | Assignee org Chart | Done with Virus Scan and /or Conversion |
| 1417390_925522.txt | Applicant | All Purpose | REQUEST FOR CONCURRENT PROCESSING | Done with Virus Scan and /or Conversion |
| 1417390_925523.txt | Applicant | All Purpose | RESPONSE TO SECTION II, ITEM 6 | Done with Virus Scan and /or Conversion |

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|---|---|---|---|---|
| 1417390_925524.txt | Applicant | All Purpose | AGREEMENTS | Done with Virus Scan and /or Conversion |
| 1417390_925525.txt | Applicant | All Purpose | OWNERSHIP STRUCTURE; FOREIGN OWNERSHIP ANALYSIS | Done with Virus Scan and /or Conversion |