

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re: Application of:)
)
PHILADELPHIA TELEVISION NETWORK, INC.) File No. BAL-20191101AAM
) Facility ID: 167606
For Consent to an Involuntary Assignment)
of License of Low Power Television Station)
WEFG-LD, Philadelphia, Pennsylvania, to)
Joseph Bernstein, as Receiver)

To: Secretary
Attention: Video Division, Media Bureau

MOTION FOR LEAVE TO FILE THIRD SUPPLEMENT

Secured Judgment Creditor Newport Investment Group, LLC (“Newport”) pursuant to Section 1.41 of the Commission’s rules, 47 C.F.R. § 1.41, respectfully submits this Motion for Leave to File Third Supplement (“Motion for Leave”) in order to supplement the record related to its Request for Dismissal and Petition to Deny based on Philadelphia County Court of Common Pleas’ appointment of Joseph Bernstein, duly appointed Receiver (“Receiver”) and current Licensee of the above-captioned Low Power Television broadcast station WEFG-LD, Philadelphia, Pennsylvania (Facility ID No. 167606, “WEFG”), of its Request for Withdrawal and Informal Objection (File No. BAL-20191101AAM, the “Application”) for Federal Communications Commission (“FCC”) involuntary assignment.

The purpose is to provide the Commission with important and relevant information regarding a new June 21, 2022 final Order from the Hon. Paula Patrick of the Philadelphia Court of Common Pleas (“PA Court”), the same Judge who entered the Order for the Receiver, *denying* PTN’s efforts to enforce matters related to the Receivership, and instead, like the Commission, is choosing to wait for final judicial action resolving ownership of the station.¹

¹ See FCC Letter Order dated August 11, 2021, tolling the entire action for “**660 Days from the date of final judicial actions resolving ownership of the station**” (“Tolling Grant Letter Order”).

As stated in Newport’s Second Supplement², an automatic stay should be in effect regarding the above referenced Application pursuant to 11 U.S. Code § 362 (“Automatic Stay”) based on Judgment Debtor Richard Howard Glanton’s (“Glanton”) Chapter 11 personal bankruptcy filed in the United States Bankruptcy Court for the District of New Jersey, Case No. 22-11055-CMG (“BK Case”) listing his 425 shares representing 55% majority controlling ownership in PTN as an asset of his estate. He also recently testified under oath to the same at his §341 meeting of creditors on March 17, 2022 before Alexandria Nikolinos, an attorney with the Office of the United States Trustee.

Considering this Third Supplement would serve the public interest by updating the record in this proceeding further supporting the Commission’s longstanding policy that a) it will not, absent exceptional circumstances, renew or approve assignment or transfer of licenses when the licensee’s qualifications to hold a license are in question³; and b) honoring the Commission’s deference to judicial determinations, including bankruptcy matters, private disputes, and this matter with its genesis in the payment of a debt.⁴ Therefore, Newport requests that the Commission accept and consider the Third Supplement so that the Commission has a complete record in this proceeding.

Based on the matters set forth above in this Motion for Leave being considered, Newport respectfully request the Commission grant this Motion for Leave and accept and consider the Third Supplement filed on this same date.

Respectfully submitted,

June 25, 2022
Newport Investment Group, LLC
2510 E. Sunset Road #5-518
Las Vegas, NV 89120
(858) 254-2000

NEWPORT INVESTMENT GROUP, LLC
SECURED JUDGMENT CREDITOR

By: 

Brian Roche
It’s Manager

² The Commission’s Licensing and Management Database reflects that the Newport’s Second Supplement was filed on June 17, 2022; Pleading number: 0000193515

³ See *Jefferson Radio Co., Inc. v. FCC*, 340 F.2d 781 (D.C. Cir. 1964).

⁴ See Commission’s November 13, 2018 Letter Order (“Letter Order”) instructing Newport to “take the necessary steps to permit Commission action” and expressly noted that Newport “needed to file an FCC Form 316 sending the license to a court-appointed trustee, receiver, or debtor-in-possession.”

Certificate of Service

The undersigned, an attorney of Newport Investment Group, LLC., hereby certifies that a true copy of the foregoing “MOTION FOR LEAVE AND THIRD SUPPLEMENT TO REQUEST FOR DISMISSAL AND PETITION TO DENY AND TO UPDATE RECORD” was served this date, by U.S. Postal Service First Class mail, postage prepaid, and via electronic mail upon the following:

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By:  _____

June 25, 2022