

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

In Re: Application of)	
)	
Philadelphia Television Network, Inc.)	File No. BALDTL-20181120AAT
)	Facility ID No. 167606
For Consent to an Involuntary)	
Assignment of License of)	
Low Power Television Station)	
WFGD-LD, Philadelphia, Pennsylvania, to)	
Joseph Bernstein, as a Receiver)	

Attention: Video Division, Media Bureau

MOTION FOR LEAVE TO FILE THIRD SUPPLEMENT

Philadelphia Television Network, Inc. (“PTNI”), Eugene L. Cliett, an officer, director and shareholder of PTNI (“Cliett”), and DSP Investors, LLC, a secured creditor of PTNI (“DSP”, and together with PTNI and Cliett, the “Petitioners”), by their counsel, and 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”), to supplement the record related to Petitioner’s Petition for Reconsideration (the “Petition”)¹ of the grant of the above-captioned Form 316 application (File No. BALDTL-20181120AAT, the “Application”) for Federal Communications Commission (“FCC”) consent to the involuntary assignment of the license of Low Power Television (“LPTV”) broadcast station WFGD-LD, Philadelphia, Pennsylvania (Facility ID No. 167606, “WFGD”), to Joseph Bernstein (“Bernstein”), as a temporary receiver, to advise the Commission of a recent

¹ The Petition was electronically filed by the Petitioners on December 21, 2018, and supplemented by a Supplement to Petition for Reconsideration filed on January 2, 2019 (the “First Supplement”), and further supplemented by a Second Supplement to Petition for Reconsideration filed on January 28, 2019 (the “Second Supplement”). The First Supplement and Second Supplement were filed by Petitioners as a matter of right, within the time period required for filing a petition for reconsideration under Section 1.106(f) of the Commission’s rules, 47 C.F.R. § 1.106(f). See Second Supplement at ¶ 4 and n.4.

order from the court vacating its order appointing Bernstein as temporary receiver,² on which Receiver Appointment Order the Application was based.

Specifically, Petitioners request that the Commission accept and consider the Third Supplement to Petition for Reconsideration being filed by Petitioners on this same date (the “Third Supplement”), which includes as an exhibit a copy of a recent court order³ denying the petition for appointment of receiver⁴ on which the Receiver Appointment Order was based, and vacating the Receiver Appointment Order itself, removing Bernstein as temporary receiver for WEEG’s FCC license, and therefore any legal basis for the grant of the Application.

Since the Receiver Removal Order eliminates any court-ordered authority for Bernstein to act as temporary receiver for WEEG and any legal basis for grant of the Application, it is dispositive of all issues pending before the Commission in this matter (unlike the multiple supplements filed by Bernstein and a third party that had not participated in this proceeding previously), requires reconsideration of the grant of the Application, requires prompt grant of the Petition and dismissal or denial of the Application, and immediate reinstatement of PTNI as the proper FCC licensee of WEEG. Therefore, the Commission should take official notice of the Receiver Removal Order, and the Third Supplement should be permitted, accepted, and considered by the Commission. Grant of this Motion for Leave would serve the public interest, as it would allow for a more complete record in this proceeding, and accurately update and advise the Commission of developments before the local court upon whose Receiver Appointment Order the grant of the Application was based.

² See Order dated November 19, 2018, by the Philadelphia County Court of Common Pleas (the “Philadelphia Court”) in Case No. 000074, a copy of which was attached to the Application with Exhibit 6 (the “Receiver Appointment Order”).

³ See Order dated October 24, 2019, by the Philadelphia Court in Case No. 000074, a copy of which is attached hereto as Exhibit A (the “Receiver Removal Order”).

⁴ Copies of the Emergency Petition for Appointment of Receiver (the “Emergency Petition”) and a Memorandum of Law in Support of Petition to Appoint Receiver (the “Memorandum”) were attached to the Petition as Exhibit B. See Petition at Exhibit B.

Wherefore, the premises set forth above in this Motion for Leave being considered, Petitioners respectfully request that the Commission grant this Motion for Leave, accept and consider the Third Supplement being filed by Petitioners on this same date, and the Receiver Removal Order attached thereto, which Receiver Removal Order requires reconsideration of the grant of the Application, requires prompt grant of the Petition and dismissal or denial of the Application, and immediate reinstatement of PTNI as the proper FCC licensee of WEEG.

Respectfully submitted,

**Philadelphia Television Network, Inc.,
Eugene L. Cliett, and DSP Investors, LLC**

A handwritten signature in black ink, appearing to read "Jeffrey L. Timmons", written over a horizontal line.

By: _____
Jeffrey L. Timmons, Esq.
Their Attorney

Jeffrey L. Timmons, Esq.
974 Branford Lane NW
Lilburn, Georgia 30047-2680
(678) 463-5116 telephone
jeff@timmonspc.com

October 28, 2019 (electronically filed in CDBS)

CERTIFICATE OF SERVICE

I, Jeffrey L. Timmons, hereby certify that on this 24th day of October, 2019, a copy of the foregoing “Motion for Leave to File Third Supplement” has been served by United States first class or priority mail, postage prepaid and mailed on the pleading filing date, upon the following:

Mr. Richard H, Glanton
26 Snowden Lane
Princeton, New Jersey 08540

Kathleen Victory, Esq.
Fletcher, Heald & Hildreth, PLC
1300 N. 17th Street, Suite 1100
Arlington, Virginia 22209
Counsel to Joseph Bernstein

Newport Investment Group, LLC
Attention: Brian Roche
2510 E. Sunset Road #5-518
Las Vegas, Nevada 89120

A handwritten signature in black ink, appearing to read "Jeffrey L. Timmons", written in a cursive style.

Jeffrey L. Timmons, Esq.

EXHIBIT A

Receiver Removal Order

Attached hereto is a copy of the Order issued by the Philadelphia Court on October 24, 2019, denying the Emergency Petition for Appointment of Receiver filed by LAL or Newport on November 19, 2018, and vacating the Receivership Appointment Order dated November 19, 2018, removing Bernstein as temporary receiver for WEEG's FCC license.