



Federal Communications Commission  
Washington, D.C. 20554

July 27, 2011

*In Reply Refer to:*  
1800B3-MFW

The University of San Francisco  
c/o Dawn M. Sciarrino, Esq.  
Sciarrino & Shubert, PLLC  
5425 Tree Line Drive  
Centreville, VA 20120

Re: KUSF(FM), San Francisco, California  
Facility ID No. 69143  
File No. BALED-20110125ACE

Request for Modification of Letter of Inquiry

Dear Ms. Sciarrino:

We have before us the July 19, 2011, "Request for Modification of Letter of Inquiry" ("LOI Modification Request") which seeks to narrow the scope of Item 9 of the staff's June 28, 2011, letter of inquiry regarding the referenced application (the "Application") for consent to assignment of Station KUSF(FM), San Francisco, California (the "Station"), from the University of San Francisco to Classical Public Radio Networks, LLC.<sup>1</sup> The letter also requests a two-day extension, to and including Monday, August 1, 2011, to respond to the *LOI*. We also have before us Oppositions to the LOI Modification Request from the Friends of KUSF and Ted Hudacko dated July 22 and July 24, 2011, respectively.<sup>2</sup>

The LOI Modification Request seeks to reduce the scope of the information required from the listed respondents, indicating that the University wishes to "provide the Commission with full disclosure of the information it requests for its inquiry, while not overburdening Commission resources with reams of irrelevant documents."<sup>3</sup> In their Oppositions, Friends of KUSF and Hudacko argue that the Station has advanced no reason to withhold requested documents other than concern for Commission resources and that it is up to the Commission to allocate its resources and manage the scope of its own review upon receipt of the full set of material it has requested.<sup>4</sup> Hudacko also opposes the request for extension of

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<sup>1</sup> *Letter to The University of San Francisco and Classical Public Radio Networks, LLC*, DA 11-1128 (MB Jun. 28, 2011) ("*LOI*"). All capitalized terms not otherwise defined herein shall have the same definition as in the *LOI*. Item 9 of the *LOI* reads:

9) Provide a copy of all Documents from June 1, 2010, to the present, to or from Rev. Stephen Privett, Mr. Charles Cross, Donna Davis, Esq., and/or Mr. Stephen Runyon concerning the proposed sale of the Station, the PSOA or CPRN.

<sup>2</sup> Friends of KUSF and Mr. Hudacko (collectively, "Petitioners") have each filed a Petition to Deny the Application.

<sup>3</sup> LOI Modification Request at 1.

<sup>4</sup> Friends of KUSF Opposition at 2, Hudacko Opposition at 2. Hudacko's Opposition also recounts the public statements of Licensee President Rev. Stephen Privett indicating a lack of familiarity with details of the transaction


time to provide the responsive materials, citing the Licensee and CPRN's February 16, 2011 Joint Opposition to his request for extension of time to oppose the Application.

Ms. Sciarrino's requests are reasonable and are hereby granted. We are unpersuaded by Petitioners' arguments, as we retain the discretion to seek the originally requested material if we believe that the responses submitted by the Licensee and CPRN are in any way incomplete or insufficient to render a determination on the compliance of the transactions with the Communications Act and the Commission's Rules. Moreover, a two-day extension in the due date for the Licensee's response also is reasonable, given the brevity of the additional time and the amount of information requested. The University of San Francisco's response to the *LOI* is due by close of business on Monday, August 1, 2011.

Accordingly, it is ordered that document request 9 of the *LOI* IS MODIFIED as follows:

- a) a copy of all Documents from June 1, 2010, to the present, to or from Rev. Stephen Privett concerning the proposed sale of the Station; and
- b) a copy of all Documents from June 1, 2010, to the present, to or from Rev. Stephen Privett, Mr. Charles Cross, Donna Davis, Esq., and/or Mr. Steven Runyon concerning the PSOA.

Sincerely,

  
Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Lawrence Bernstein, Esq. (Counsel for Classical Public Radio Networks, LLC)  
Alan Korn, Esq. (Counsel for Friends of KUSF)  
Peter Franck, Esq.  
Ted Hudacko  
Loren Dobson  
M.F. Cavanaugh  
Wayne Williams  
Ralf Jurgert

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and indicating that questions regarding responsibility for programming on the Station "should probably be directed to" the assignee. Hudacko Opposition at 2. We note that, even as revised, Item 9 will require *all* documents to or from Rev. Privett concerning the Station sale.