

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Cox Radio, Inc. and SummitMedia, LLC,)	
Applications For Consent to Assign Licenses)	
)	
WAGG(AM), Birmingham, AL	)	File No. BAL-20130212ABK
	)	Facility ID No. 48717
WBHJ(FM), Midfield, AL	)	File No. BALH-20130212ABL
	)	Facility ID No. 730
WBHK(FM), Warrior, AL	)	File No. BALH-20130212ABM
	)	Facility ID No. 65227
WBPT(FM), Homewood, AL	)	File No. BALH-20130212ABN
	)	Facility ID No. 5355
WENN(AM), Birmingham, AL	)	File No. BAL-20130212ABO
	)	Facility ID No. 6411
WZNN(FM), Gardendale, AL	)	File No. BALH-20130212ABP
	)	Facility ID No. 71417
WZZK-FM, Birmingham, AL	)	File No. BALH-20130212ABQ
	)	Facility ID No. 48724
WHZT(FM), Williamston, SC	)	File No. BALH-20130212ABR
	)	Facility ID No. 5971
WJMZ-FM, Anderson, SC	)	File No. BALH-20130212ABS
	)	Facility ID No. 1303
KCCN-FM, Honolulu, HI	)	File No. BALH-20130212ABT
	)	Facility ID No. 34552
KINE-FM, Honolulu, HI	)	File No. BALH-20130212ABU
	)	Facility ID No. 34553
KKNE(AM), Waipahu, HI	)	File No. BAL-20130212ABV
	)	Facility ID No. 14937
KPHW(FM), Kaneohe, HI	)	File No. BALH-20130212ABW
	)	Facility ID No. 27424
KRTR(AM), Honolulu, HI	)	File No. BAL-20130212ABX
	)	Facility ID No. 13880
KRTR-FM, Kailua, HI	)	File No. BALH-20130212ABY
	)	Facility ID No. 50118
WQNU(FM), Lyndon, KY	)	File No. BALH-20130212ABZ
	)	Facility ID No. 20332
WRKA(FM), Louisville, KY	)	File No. BALH-20130212ACA
	)	Facility ID No. 48290
WVEZ(FM), St. Matthews, KY	)	File No. BALH-20130212ACB
	)	Facility ID No. 53535
WSFR(FM), Corydon, IN	)	File No. BALH-20130212ACC
	)	Facility ID No. 55499
WHTI(FM), Lakeside, VA	)	File No. BALH-20130212ACD
	)	Facility ID No. 27439
WKHK(FM), Colonial Heights, VA	)	File No. BALH-20130212ACE
	)	Facility ID No. 319

WKLR(FM), Fort Lee, VA	)	File No. BALH-20130212ACF
	)	Facility ID No. 71330
WURV(FM), Richmond, VA	)	File No. BALH-20130212ACG
	)	Facility ID No. 37230
)	
Cox Radio, Inc. and Connoisseur Media Licenses, LLC, Applications For Consent to Assign Licenses)	
)	
WEZN-FM, Bridgeport, CT	)	File No. BALH-20130212ACH
	)	Facility ID No. 48721
WFOX(FM), Norwalk, CT	)	File No. BALH-20130212ACI
	)	Facility ID No. 14379
WPLR(FM), New Haven, CT	)	File No. BALH-20130212ACJ
	)	Facility ID No. 46968

MEMORANDUM OPINION AND ORDER

Adopted: February 27, 2014

Released: February 28, 2014

By the Commission:

1. The Commission has before it for consideration an Application for Review (“AFR”) filed on May 28, 2013, by Citizens for Equity in Taxation (“CET”).¹ CET seeks review of a letter issued by the Media Bureau, Audio Division (“Bureau”), which denied an informal objection that CET filed against applications to assign the licenses of 26 radio stations from Cox Radio, Inc. to SummitMedia, LLC and Connoisseur Media Licenses, LLC.² In the *Letter*, the Bureau declined to alter the Commission’s treatment of transactions involving like-kind exchanges under Section 1031 of the Internal Revenue Code. The Bureau also found that CET raised only general concerns that were not specific to the transactions. Finally, the Bureau refused to require the applicants to submit additional information regarding the proposed transactions.

2. In the AFR, CET indicates that it does not “seek to stay the effective date of the grant” or “otherwise interfere with the administrative finality of the transactions.”³ CET instead seeks to have the Commission impose, on a prospective basis only, new requirements for future applicants involved in proposed like-kind exchanges.⁴ We find that the AFR is deficient because it fails to actually challenge an “action taken pursuant to delegated authority” as required by Section 1.115(a) of the Commission’s rules.⁵

¹ Cox Radio, Inc. (“Cox”), SummitMedia, LLC (“Summit”), and Connoisseur Media Licenses, LLC (“Connoisseur”) filed a Joint Opposition to Application for Review on June 12, 2013.

² *Cox Radio, Inc. and SummitMedia, LLC*, Letter, 28 FCC Rcd 5674 (MB 2013) (“*Letter*”). CET had captioned its pleading as a petition to deny. However, in the *Letter*, the Bureau found CET lacked standing to file a petition to deny and treated CET’s pleading as an informal objection. CET does not challenge this finding.

³ AFR at 2 n.2.

⁴ AFR at 10. CET invites us to treat the AFR as a petition for rulemaking should we determine that the changes it requests “can be accomplished only through a rule making proceeding.” *Id.* We decline this invitation.

⁵ 47 C.F.R. § 1.115(a).

3. ACCORDINGLY, IT IS ORDERED that the Application for Review IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary