

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

In the Matter of)
Bernard Ohio, LLC, Assignor)
Educational Media Foundation, Assignee)
Application for Assignment of License for:)
WYLR(FM), Hubbard, Ohio) File No. BALH-20120612AAP
Bernard Ohio, LLC) Facility ID No. 63498
Applications for Renewal of Licenses for:)
WVKO(AM), Columbus, Ohio) File No. BR-20120529AHE
WVKO-FM, Johnstown, Ohio) Facility ID No. 22341
WASN(AM), Youngstown, Ohio) File No. BRH-20120529AHG
WYLR(FM), Hubbard, Ohio) Facility ID No. 58633
WGFT(AM), Campbell, Ohio) File No. BR-20120529AHH
Application to Modify License for:) Facility ID No. 72100
WYLR(FM), Hubbard, Ohio) File No. BRH-20120529AHK
Facility ID No. 63498
WYLR(FM), Hubbard, Ohio) File No. BR-20120529AHJ
Facility ID No. 74164
WYLR(FM), Hubbard, Ohio) File No. BMLED-20120710AAS
Facility ID No. 63498

MEMORANDUM OPINION AND ORDER

Adopted: April 16, 2014

Released: April 17, 2014

By the Commission:

1. In this Memorandum Opinion and Order, we deny the Application for Review filed by Percy Squire ("Squire") on May 16, 2013. Squire seeks review of an April 18, 2013, action by the Media Bureau ("Bureau"),¹ which denied Squire's Petition for Reconsideration of the January 11, 2013, letter decision granting the above-captioned applications ("Applications") of Bernard Ohio, LLC ("Bernard").²

1 Aaron P. Shainis, Esq., Letter, 28 FCC Rcd 5198 (MB 2013) ("Reconsideration Decision").

2 Aaron P. Shainis, Esq., Letter, 28 FCC Rcd 126 (MB 2013) ("Letter Decision").

2. Squire's arguments in the Application for Review are the same as those raised below. In both the *Letter Decision* and *Reconsideration Decision*, the Bureau thoroughly addressed Squire's contentions regarding impermissible levels of foreign ownership and unauthorized control of the above-captioned stations ("Stations"). First, the Bureau found that Squire had failed to provide factual support for his argument that the percentage of capital stock of the licensee's indirect owner "owned of record or voted by aliens" exceeded the 25 percent benchmark contained in Section 310(b)(4) of the Communications Act of 1934, as amended.³ Second, the Bureau held that Squire had failed to adduce any facts regarding the alleged unauthorized control of the Stations, because his argument was based on allegations involving a different licensee and different radio stations and therefore not relevant in assessing the Applications.⁴ Moreover, the Bureau noted that those allegations had been rejected with regard to that licensee and those stations.⁵

3. Upon review of the Application for Review and the entire record, we conclude that Squire has not demonstrated that the Bureau erred. The Bureau, in the *Reconsideration Decision*, properly decided the matters raised, and we uphold its decision for the reasons stated therein.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,⁶ and Section 1.115(g) of the Commission's rules,⁷ the Application for Review IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

³ 47 U.S.C. § 310(b)(4).

⁴ See 47 U.S.C. § 309(k)(1) (stating that relevant findings must be made specifically "with respect to" the station seeking renewal).

⁵ See *Urban Radio I, LLC, Debtor-in-Possession*, Letter, Ref No. 1800B3-MFW at 5-6 (MB 2012), application for review pending; see also *DFW Radio License, LLC*, Memorandum Opinion and Order, 29 FCC Rcd 804, ¶ 32 (2014), appeal pending.

⁶ 47 U.S.C. § 155(c)(5).

⁷ 47 C.F.R. § 1.115(g).