

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

In the Matter of)	
)	
Application of Radio One Licenses, LLC for a)	File No. BL-20070220ADT
License to Cover the Modified Facilities of)	Facility ID No. 54711
WOLB(AM), Baltimore, Maryland)	
)	
and)	
)	
Application of WIOO Radio, Inc. for a Minor)	File No. BP-20040809AAO
Change to the Licensed Facilities of WIOO(AM),)	Facility ID No. 72985
Carlisle, Pennsylvania)	

MEMORANDUM OPINION AND ORDER

Adopted: December 10, 2014

Released: December 11, 2014

By the Commission:

1. We have before us two Applications for Review (“AFRs”) filed by Radio One Licenses, LLC (“Radio One”), which seek review of actions taken by the Media Bureau (“Bureau”) in a decision issued on April 9, 2013.¹ In one AFR (“WOLB AFR”), Radio One seeks review of the Bureau’s dismissal of its June 18, 2008 Petition for Reconsideration of the grant of its application for a license to cover the construction permit authorizing modified facilities of its station WOLB(AM), Baltimore, Maryland (“WOLB License Application”).² In the other AFR (“WIOO AFR”), Radio One seeks review of the Bureau’s denial of its July 9, 2008 Petition for Reconsideration of the reinstatement *nunc pro tunc* and grant of an application filed by WIOO Radio, Inc. (“WIOO”) to change the frequency and operating power of WIOO(AM), Carlisle, Pennsylvania (“WIOO Application”).³

2. Both AFRs essentially stem from the Bureau’s reinstatement *nunc pro tunc* and grant of the WIOO Application. That application predated and conflicted with an application filed by Radio One to increase WOLB(AM)’s power at the site specified in the WOLB License Application (“WOLB Upgrade Application”). The Bureau’s grant of the WOLB License Application made acceptable and grantable the WIOO Application. That grant, in turn, rendered the WOLB Upgrade Application ungrantable and subject to dismissal because it did not protect the modified WIOO(AM) facilities.⁴

¹ Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Mark Lipp, Esq. and Jerrold Miller, Esq. (dated April 9, 2013) (“Letter Decision”).

² WIOO Radio, Inc. opposed the WOLB AFR on June 14, 2013. Radio One replied on June 26, 2013.

³ WIOO opposed the WIOO AFR on June 14, 2013. Radio One filed a Reply to Opposition to Application for Review (“WIOO Reply”) on June 26, 2013.

⁴ The Commission has held processing of the WOLB Upgrade Application in abeyance due to Radio One’s challenges to the reinstatement *nunc pro tunc* and grant of the WIOO Application. Because we herein affirm these actions, we instruct the Bureau to dismiss the WOLB Upgrade Application due to its failure to protect WIOO(AM).

3. Both AFRs repeat – almost word-for-word – the same arguments that Radio One made in its respective Petitions for Reconsideration of the Bureau actions at issue here.⁵ Upon review of the AFRs and the entire record, we conclude that Radio One has failed to demonstrate that the Bureau erred. Grant of the WOLB License Application extinguished all protection rights for the now formerly licensed and abandoned WOLB facilities. Thus, the grant of the WIOO Application was proper. We thus uphold the Bureau’s decision for the reasons stated in the *Letter Decision*.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,⁶ and Sections 1.115(d) and(g) of the Commission’s Rules,⁷ the Applications for Review filed by Radio One Licenses, LLC on May 15, 2013, ARE DISMISSED as noted in note 5 of this Order and ARE OTHERWISE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁵ Radio One does make one additional argument related to purported gamesmanship on WIOO’s part. However, while Radio One discussed the facts upon which it bases this argument (the chronological history of the WIOO Application) in a footnote to the WIOO AFR, WIOO AFR at n. 25, it did not make the argument therein. Instead, it first made the argument on reply. *See* WIOO Reply at 4-5. For this reason, we will not consider this argument. *See* 47 C.F.R. § 1.115(d) (specifying that replies to applications for review are “limited to matters raised in the opposition”). To the extent that the WIOO AFR contains this argument, we dismiss the AFR.

⁶ 47 U.S.C. § 155(c)(5).

⁷ 47 C.F.R. §§ 1.115(d), (g).