

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

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ORIGINAL
FILED

In the Matter of
SINCERE SEVEN
Washington, DC

)
) File No. BNPL-20131114AYL
) Facility ID 195472
)

Application for Construction Permit
For a Low Power FM Broadcast Station
)
)

JAN 12 2016

RECEIVED - FCC

To: Chief, Audio Division, Media Bureau

Federal Communications Commission
Bureau / Office

RESPONSE OF RADIO ONE LICENSES, LLC
TO OPPOSITION TO SUPPLEMENT TO PETITION FOR RECONSIDERATION
AND RESPONSE TO PETITION FOR RECONSIDERATION

1. Radio One Licenses, LLC ("Radio One") hereby responds to the "Opposition to Supplement to Petition for Reconsideration", dated December 24, 2015, submitted by William L. Tucker, Jr. ("Tucker"), and the "Response to Petition for Reconsideration" served by mail on December 29, 2015, submitted by Sincere Seven ("S7").¹ Both pleadings seek reinstatement of Sincere Seven's above captioned application for construction permit ("Application"), the grant of which was rescinded by the Audio Division by letter of November 30, 2015, ref. 1800B3-EA/ATS.

2. Based on statements by Tucker and S7 themselves, it appears that S7 was not the real party in interest in the Application at the time the Application was filed, because "S7's

¹ The procedural posture of this proceeding is unclear. The pleadings of both S7 and Tucker were received by counsel for Radio One on January 4, 2016. To the extent that S7 purports to respond to Radio One's September 11, 2014, Petition for Reconsideration of an Audio Division letter of August 19, 2014, it is far too late to be considered as an Opposition. Both pleadings refer to the Audio Division's letter of November 30, 2015, and their filings are timely if deemed Petitions for Reconsideration of that action. The instant pleading by Radio One would then be deemed an Opposition to Petitions for Reconsideration and is likewise timely.

role in the LPFM station under the terms of the FSA is strictly a fiduciary as a sponsoring nonprofit organization; executive and operational authority over the project is the responsibility of Mr. Tucker and WOOK-LP Radio.”² If S7 was not intended to have operational control of the radio station, then there is no basis for the Commission to grant it a construction permit.³

3. In addition, it appears that Perry Redd is a principal of S7. While he states that he is not a member of the board of directors or an “officer” in the traditional definition, he agrees that he is Executive Director of S7 and functions as its chief executive, because he “has signed official documents and otherwise acted on behalf of S7 as Executive Director, again apropos [sic] of, and consistent with, positions bearing the title of ‘President’ or ‘CEO’ with a traditional nonprofit organization.”⁴ If he functions as President/CEO, his conviction was relevant and should have been reported in the Application.⁵

4. It is not possible at this time for S7 to straighten out the confusion by assigning its construction permit to WOOK-LP Radio, the entity which claims to be in operational control,

² Tucker Opposition at p. 1.

³ Exhibit 8 to S7’s Response is a letter from S7 to WOOK-LP Radio, terminating the relationship between the organizations. However, that letter does not refute the fact that WOOK-LP Radio was in control on the date when the Application was filed; on the contrary, the letter confirms that until January 23, 2015, WOOK-LP Radio was intended to control the radio station.

⁴ S7 Response at p. 2. The Fiscal Sponsorship Agreement submitted by S7 confirms that S7’s role is to raise and manage funds for WOOK-LP Radio.

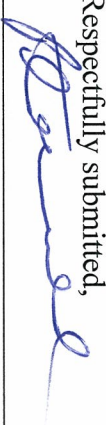
⁵ S7’s arguments relating to the degree of seriousness of the conviction and the extent of Mr. Redd’s rehabilitation may go to the question of whether the conviction should be an absolute disqualification for the applicant, but they do not resolve the question of failure to report the conviction in the Application.

because the radio station is unbuilt, and Section 73.865(d) of the Commission's rules forbids assignment or transfer of control of an LPFM construction permit at any time.

5. There are no extraordinary circumstances justifying a waiver of Section 73.865(d) in this case; but even if the Commission were willing to consider a waiver of Section 73.865(d), the Application could not be granted, because there is no evidence that WOOK-LP Radio at the time of the Application was, or currently is, a legal entity that is qualified to hold an FCC authorization. See *Cocoa Minority Educational Media Association*, FCC 15-168, rel. Dec. 16, 2015.⁶ All previously supplied information regarding unincorporated associations in the District of Columbia was provided with respect to only S7, not WOOK-LP Radio.

6. Since S7 is not the real party in interest, the construction permit cannot be assigned or transferred, and WOOK-LP Radio has not established its legal qualifications, the dismissal of the application must stand.

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Respectfully submitted,


Peter Tannenwald

Counsel for Radio One Licenses, LLC

January 12, 2016

⁶ “If the applicant is unincorporated, the [eligibility] exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.” [The applicant] provided no such information.” *Cocoa* at par. 2.

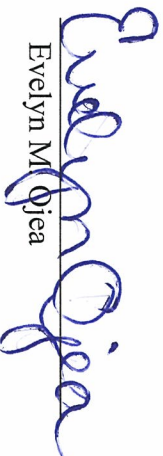
CERTIFICATE OF SERVICE

I, Evelyn M. Ojea, do hereby certify that I have, this 12th day of January, 2016, caused copies of the foregoing “Response of Radio One Licenses, LLC to Opposition to Supplement to Petition for Reconsideration and Response to Petition for Reconsideration” to the following:

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WOOK Radio DC
2000 Half St., S.W.
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Mr. Perry D. Redd
Sincere Seven
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Federal Communications Commission
Washington, DC 20554


Evelyn M. Ojea