

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12<sup>th</sup> STREET SW**  
**WASHINGTON DC 20554**

**MAR 09 2016**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/media/radio/audio-division](http://www.fcc.gov/media/radio/audio-division)

**ENGINEER:** Darrell Bauguess  
**TELEPHONE:** (202) 418-2182  
**FACSIMILE:** (202) 418-1410  
**MAIL STOP:** 1800B2  
**INTERNET ADDRESS:** [Darrell.Bauguess@fcc.gov](mailto:Darrell.Bauguess@fcc.gov)

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Cumulus Licensing, LLC  
3280 Peachtree Road, NW  
Suite 2300  
Atlanta, GA 30305-4601

In re: WLWI-FM, Montgomery, AL  
Facility ID No. 12318  
Cumulus Licensing, LLC  
File No. BMLH-20070402ADQ  
File No. BPH-20091030AHL  
File No. BPH-20121212ACG

NEW(FM), Frisco City, AL  
Facility ID No. 191570  
Blackbelt Broadcasting, Inc.  
File No. BMPH-20160119ABE

Dear Licensee:

In accordance with procedures adopted by the Commission,<sup>1</sup> this letter constitutes notification to Cumulus Licensing, LLC ("Cumulus"), licensee of Station WLWI(FM), Channel 222C0, Montgomery, AL, of the filing of a minor change construction permit application (BMPH-20160119ABE) by Blackbelt Broadcasting, Inc. ("Blackbelt"), the permittee of a new station to serve Frisco City, AL. Blackbelt's application requests modification of the WLWI license to specify operation on Channel 222C0 in lieu of Channel 222C.

On October 30, 2009, WLWI filed a minor change "one step" application to upgrade its licensed facility (BMLH-20070402ADQ) from Channel 222C0 to Channel 222C. On December 15, 2009, WLWI was issued a construction permit, BPH-200910130AHL, which assigned Channel 222C to Montgomery, AL and the WLWI license was modified to specify operation on Channel 222C. On December 15, 2012, the construction permit expired when WLWI failed to construct the Channel 222C facility and file a license application. On December 12, 2012, Cumulus filed construction permit BPH-20121212ACG to specify Channel 222C. This permit was issued on January 11, 2013 and subsequently expired on January 11, 2016.

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<sup>1</sup> See *Revision of Procedures Governing Amendments to FM Table of Allotment and Changes of Community of License in the Radio Broadcast Services*, Report and Order, MB Docket No. 05-210, FCC 06-163 (rel. Nov. 29, 2006).

Section 316(a) of the Communications Act of 1934, as amended,<sup>2</sup> permits us to modify a license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford the licensee/permittee of the affected station at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.<sup>3</sup> We find that the Application has sufficient public interest benefits to justify the issuance of a show cause order.

Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, Cumulus, licensee of Station WLWI-FM, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 222C0 in lieu of Channel 222C. Cumulus may, not later than 30 days from the date of this letter, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed within the period specified above, the licensee will be deemed to have consented to the modification as proposed in this Order to Show Cause and its assignment will be modified to specify the reduced class.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Mass Bureau

cc: Andrew S. Kersting, Esq. (via email)  
John C. Trent, Esq. (via email)  
Matthew Wesolowski (via email)

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<sup>2</sup> 47 U.S.C. § 316(a) (the "Act").

<sup>3</sup> See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).