

Michael Wagner

From: Joe FM <JoeFM1@outlook.com>
Sent: Friday, May 13, 2016 3:55 PM
To: Michael Wagner
Subject: Re: Withdrawal of Informal Objection to assignment application for KUHA(FM), Houston, Texas, BALED-20160224AAS

Dear Mr. Wagner:

In reply to your email, I hereby verify that no consideration has been paid or was promised to New Beginnings Fellowship Church of Houston, Texas, in connection with its request to withdraw the Informal Objection.

We relied on the ownership limits stated on your FCC website, rather than the actual FCC rules, when filing the opposition. Inasmuch as translators are not counted, and apparent inapplicability of the limits to noncommercial entities, it appears our opposition was not appropriate.

Thank you for your attention to this matter.

Joe Donalson

From: Michael Wagner <Michael.Wagner@fcc.gov>
Sent: Friday, May 13, 2016 2:52:31 PM
To: JOEFM1@OUTLOOK.COM
Cc: Davina S. Sashkin (sashkin@fhhlaw.com); Meg Miller; Annette Smith; Faith Hodge
Subject: FW: Withdrawal of Informal Objection to assignment application for KUHA(FM), Houston, Texas, BALED-20160224AAS

Mr. Donalson,

We have received your request to withdraw the Informal Objection filed by New Beginnings Fellowship Church of Houston, Texas, against the assignment application for KUHA(FM), Houston, Texas, BALED-20160224AAS. https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/forms/prod/cdbsmenu.hts?context=25&appn=101727728&formid=917&fac_num=72685

Under Section 73.3588(a) of the Commission's Rules, http://www.ecfr.gov/cgi-bin/text-idx?SID=5294d5334b09292872072af932d5499f&mc=true&node=se47.4.73_13588&rqn=div8, in order for us to act on such a request to withdraw a petition or objection, we need a certification from the objector regarding any consideration promised or paid to the objector in connection with the withdrawal of the objection:

(a) Whenever a petition to deny or an informal objection has been filed against any application, and the filing party seeks to dismiss or withdraw the petition to deny or the informal objection, either unilaterally or in exchange for financial consideration, that party must file with the Commission a request for approval of the dismissal or withdrawal, a copy of any written agreement related to the dismissal or withdrawal, and an affidavit setting forth:

- (1) A certification that neither the petitioner nor its principals has received or will receive any money or other consideration in excess of legitimate and prudent expenses in exchange for the dismissal or withdrawal of the petition to deny;
 - (2) The exact nature and amount of any consideration received or promised;
 - (3) An itemized accounting of the expenses for which it seeks reimbursement; and
 - (4) The terms of any oral agreement related to the dismissal or withdrawal of the petition to deny.
- This can amount to a simple statement here along the lines of “no consideration has been paid or promised to New Beginnings Fellowship Church of Houston, Texas, in connection with its request to withdraw the Informal Objection.” (Obviously, it gets a bit more complicated if there actually is consideration for the withdrawal of the Objection.)

Would you please make, or have an authorized representative of New Beginnings make, the requisite representation regarding whether New Beginnings was paid or promised any consideration in connection with the withdrawal of the Informal Objection? This can be done either by a filing through the CDBS electronic filing system or by simply responding to this e-mail, which response I can make part of the official record of the case. Fine with us either way.

I am adding counsel for the seller and buyer, because we will need a similar statement from them.

Thank you very much.

Michael Wagner
Assistant Chief, Audio Division
Media Bureau