

Received & Inspected

MAY 17 2017

FCC Mail Room

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

2017 MAY 17 P 2: 54

In the Matter of) MB Docket No. 14-82
)
PATRICK SULLIVAN) FRN 0003749041, 0006119796,
(Assignor)) 0006149843, 0017196064
)
and) Facility ID No. 146162
)
LAKE BROADCASTING, INC.) File No BALFT-20120523ABY
(Assignee))
)
Application for Consent to Assignment of)
License of FM Translator Station W238CE,)
Montgomery, Alabama)

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

FURTHER MOTION TO DISMISS

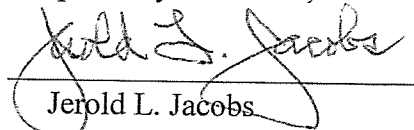
Patrick M. Sullivan ("Sullivan"), by its attorney, pursuant to Section 73.3568 of the Commission's Rules, hereby requests the immediate dismissal of the above-captioned assignment application with prejudice because, as explained below, the underlying Purchase Agreement has been terminated and the station is being sold to a third party, instead of Lake Broadcasting, Inc. Under these circumstances, this request terminates the participation of Mr. Sullivan in MB Docket No. 14-82 and should result in the dismissal of the subject assignment application and the immediate termination of this proceeding. In support whereof, the following is shown:

1. On May 13, 2012, Mr. Sullivan signed a Purchase Agreement (copy attached) with Michael S. Rice, President of Lake Broadcasting, Inc. to purchase FM Translator Station W238CE. An assignment application was duly filed on May 23, 2012, and that application is the

subject of the hearing proceeding in MB Docket No 14-82. The Purchase Agreement allows either party to terminate the agreement if Closing does not occur on or before November 13, 2012. Mr. Sullivan has decided that he can wait no longer to sell his station. So, by the attached Declaration under penalty of perjury, he notified Lake today that he is terminating the Purchase Agreement as of today and instead is selling Station W238CE to Terry Barber. See attached Declaration by Mr. Sullivan.

2. WHEREFORE, in view of the foregoing and in accordance with his Declaration, Patrick Sullivan hereby requests the Presiding Judge (or the Commission's Media Bureau, as appropriate) to dismiss the assignment application File No. BALFT-20120523ABY for Station W238CE immediately and with prejudice, so that Mr. Sullivan can file a new FCC Form 345 assignment application to sell the station to Terry Barber.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jerold L. Jacobs", is written over a horizontal line.

Jerold L. Jacobs
Law Offices of Jerold L. Jacobs
1629 K Street, N.W. Suite 300
Washington, DC 20006
(202) 508-3383

Counsel for Patrick M. Sullivan

Att. (Purchase Agreement and Declaration)

Dated: May 11, 2017

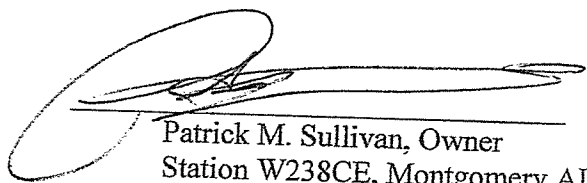
DECLARATION

I, **Patrick M. Sullivan**, in my official capacity as owner of FM Translator Station W238CE, Montgomery, Alabama, hereby declare, under penalty of perjury:

The attached Purchase Agreement (Agreement) for sale of Station W238CE to Lake Broadcasting, Inc. (Lake) was dated May 13, 2012, and permits either party to terminate the Agreement if Closing does not occur on or before November 13, 2012. I am hereby notifying Lake that I am terminating the Agreement with Lake as of today, and instead I am selling Station W238CE to Terry Barber . I am also hereby asking the Commission to dismiss the pending assignment application File No. BALFT-20120523ABY for W238CE immediately so that I can file a new FCC Form 345 assignment application for my new assignment transaction.

Att: May 13, 2012 Purchase Agreement

Executed on May 11, 2017



Patrick M. Sullivan, Owner
Station W238CE, Montgomery AL

PURCHASE AGREEMENT

Subject to the appropriate authority of the Federal Communications Commission ("FCC"), and the provisions below, Patrick M. Sullivan ("Seller") and Lake Broadcasting, Inc., a corporation ("Buyer") agree to purchase the license and all of the assets of FM Translator Station W238B, Facility ID No. 146162, Montgomery, Alabama, from Seller.

The purchase price is \$1,000.00 cash, payable at Closing.

Buyer and Seller will file an assignment of license application with the FCC as soon as possible.

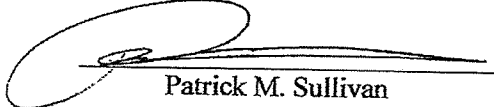
Buyer will pay all costs in connection with the FCC filing and the Closing. There are no other fees assumed by Seller. There are no broker fees payable by either party.

Closing will take place within 30 days after FCC approval of the assignment application.

This Agreement may be terminated by Seller or Buyer upon written notice to the other party if Closing does not occur on or before the date that is six (6) months after the date hereof, provided that the party seeking to terminate is not in default hereunder.


Acknowledged and Agreed

SELLER


Patrick M. Sullivan

5/13/12
Date

BUYER


Lake Broadcasting, Inc.
By Michael S. Rice, President

5/13/2012
Date

CERTIFICATE OF SERVICE

I, Jerold L. Jacobs, hereby certify that on this 11th day of May, 2017, I filed the foregoing "FURTHER MOTION TO DISMISS" in ECFS and caused a copy to be sent via First Class United States Mail and via e-mail to the following:

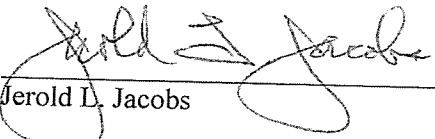
Hon. Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Richard.Sippel@fcc.gov
Patricia.Ducksworth@fcc.gov
Monique.Gray@fcc.gov
Rachel.Funk@fcc.gov

William Knowles-Kellett, Esq.
Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
William.Knowles-Kellett@fcc.gov

Gary Oshinsky, Esq.
Pamela Kane, Esq.
Special Counsel
Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Gary.Oshinsky@fcc.gov
Pamela.Kane@fcc.gov

Hon. Brendan Carr, General Counsel
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Brendan.carr@fcc.gov

Peter Doyle, Chief
Audio Services Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Peter.doyle@fcc.gov


Jerold L. Jacobs