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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
KUDL(FM), Sacramento, CA	)	Facility ID No. 57889
	)	File No. BRH-20050728ATP
	)	File No. BRH-20130730ANC
)	
KRXQ(FM), Sacramento, CA	)	Facility ID No. 20354
	)	File No. BRH-20050728AUQ
	)	File No. BRH-20130730ANI
)	
KSEG(FM), Sacramento, CA	)	Facility ID No. 11281
	)	File No. BRH-20050728ATX
	)	File No. BRH-20130730ANK
)	
KKDO(FM), Fair Oaks, CA	)	Facility ID No. 57889
	)	File No. BRH-20130730AND
)	
KIFM(AM), Sacramento, CA	)	Facility ID No. 67848 ACCEPTED/FILED
	)	File No. BR-20130730ANG

To: The Commission

JAN 11 2018

Federal Communications Commission
Office of the Secretary

**OPPOSITION OF ENTERCOM LICENSE, LLC
TO APPLICATION FOR REVIEW**

Entercom License, LLC (“Entercom”) hereby opposes the Application for Review¹ filed by Edward R. Stolz II of the *November 21, 2017 Letter Order* dismissing Mr. Stolz’s third Petition for Reconsideration in this proceeding.²

¹ Application for Review of Edward R. Stolz II (Dec. 27, 2017) (“AFR”).

² See Letter to Dennis J. Kelly, Esq., Counsel for Mr. Stolz, from Peter H. Doyle, Chief, Audio Division, Media Bureau, Reference No. 1800B3-ATS (Nov. 21, 2017); *Broadcast Applications*, Public Notice, Report No. 29119, at 8-22 (rel. Nov. 27, 2017), https://apps.fcc.gov/edocs_public/attachmatch/DOC-347922A1.pdf (announcing the dismissal of the Petition for Reconsideration filed by Mr. Stolz on Oct. 11, 2017 against the dismissal of his second Petition for Reconsideration in this proceeding) (collectively “*November 21, 2017 Letter Order*”); see also *Entercom Sacramento License[,], LLC*, Letter, 32 FCC Rcd 6880 (MB 2017) (“*September 11, 2017 Letter Order*”) (dismissing Mr. Stolz’s second Petition for Reconsideration, filed on Feb. 17, 2017).

An application for review will be granted only if the staff action is in conflict with statute, regulation, precedent, or established Commission policy; involves a new question of law or policy; involves the application of a precedent or policy that should be overturned or revised; is premised upon an erroneous findings as to an important or material question of fact; or involves prejudicial procedural error.³ The AFR identifies three issues but fails to identify any factual, legal, or procedural error on the part of the Bureau in connection with these issues and thus should be denied.

Regarding Issue (a), as the Bureau correctly stated in the *September 11, 2017 Letter Order*, “property ownership without residency is not a reliable indicator of radio listenership’ and will not confer party in interest status.”⁴ Further, any economic harm or aggrievement claimed by Mr. Stolz is purely hypothetical. He has repeatedly failed to demonstrate that he is currently a competitor in the stations’ market and lacks the direct competitive injury or likely financial injury required to assert such standing.⁵ The AFR merely disagrees with the outcome of these previous and well-reasoned rulings without demonstrating any cognizable errors in the *November 21, 2017 Letter Order* or the previous Bureau decisions (or the Commission decisions on which they rely) and the AFR thus should be denied as to Issue (a).

In connection with Issues (b) and (c), the AFR does not even acknowledge let alone dispute the Bureau’s express reliance on the language of Section 309(k) and related Commission

³ 47 C.F.R. § 1.115(b).

⁴ *September 11, 2017 Letter Order*, 32 FCC Rcd at 6883 (citing *Entercom License, LLC (KDND(FM))*, Hearing Designation Order and Notice of Opportunity for Hearing, 31 FCC Rcd 12196, 12206 ¶ 23 (2016)).

⁵ *September 11, 2017 Letter Order*, 32 FCC Rcd at 6883 (citing *Entercom License, LLC (KDND(FM))*, Memorandum Opinion and Order, 32 FCC Rcd 7149, 7152 ¶ 11 (2017) (“*KDND MO&O*”) (“Stolz is not currently the licensee of KUDL(FM), but has merely appealed approval of the assignment of KUDL(FM) from him to Entercom. Stolz’s claim of economic injury as a competitor of KDND(FM) thus rests on the speculative assumption that Stolz will succeed in persuading the D.C. Circuit to overturn the assignment, not on any current status as a competitor.”)).

precedent,⁶ and thus it fails to demonstrate any factual, legal, or procedural error on these issues as well. Nor can the AFR demonstrate such error; the Commission has repeatedly and correctly ruled that the clear and explicit language of Section 309(k) “limits the scope of the ‘violations’ ... to the station for which license renewal is being considered.”⁷ Thus, the conduct of KDND(FM) is not before the Commission in this proceeding and the AFR should be denied as to Issues (b) and (c) also.

For the reasons set forth above, the Commission should deny the Application for Review.

Respectfully submitted,

ENTERCOM LICENSE, LLC

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January 11, 2018

⁶ See AFR at 5-7. It is incumbent upon Mr. Stolz to raise his objections in a meaningful way – the Commission is not required to scour the history of this matter to identify his arguments. See *Wash. Ass’n for Television and Children v. FCC*, 712 F.2d 677, 681 (D.C. Cir. 1983); *Fones4all Corp. v. FCC*, 550 F.3d 811, 819 (9th Cir. 2008) (explaining that the issue must be “meaningfully raised”); *Petition of Core Communications, Inc.*, Memorandum Opinion and Order, 22 FCC Rcd 14118, 14125 ¶ 13 & n.48 (2007).

⁷ *September 11, 2017 Letter Order*, 32 FCC Rcd at 6883 (citing 47 U.S.C. § 309(k) and *Sagittarius Broadcasting Corp.*, Memorandum Opinion and Order, 18 FCC Rcd 22551, 22555 ¶ 8 (2003)); see also *KDND MO&O*, 32 FCC Rcd at 7153 ¶ 13; *Entercom License, LLC (WAAF(FM) et al.)*, Memorandum Opinion and Order, 31 FCC Rcd 12034, 12036 n.13 (2016).


CERTIFICATE OF SERVICE

I, Luciana Jhon, do hereby certify that, on this 11th day of January, 2018, the foregoing Opposition of Entercom License, LLC to Application for Review was served by first class mail, postage prepaid, on the following persons:

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