

Federal Communication Commission
445 Twelfth Street Southwest
Washington DC 20554
888 225 5322
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Attention
Commission Board
Media Bureau
Assignment of License Sector

Petition to Deny or Informal Objection

STOP THE SALE OF SHAW UNIVERSITY RADIO STATION WSHA 88.9 FM
RALEIGH, NC file number BALED 20180427ABF

WSHA was the first radio station launched by a historically minority college. "WSHA was founded in 1968 as the first public radio station owned by a historically minority institution." For nearly 50 years, WSHA 88.9FM has served the community like no other with innovative programming and the best in R & B, Gospel, news and public affairs, Jazz, Blues, Funk, Reggae, Latin and African music. WSHA provides a platform for underserved communities to be heard.

Although most notably is the impact the radio station has made in the lives of its student interns professionally. WSHA alumni are all over the world making huge strides in the media industry. Among various other careers, WSHA alumni have made history as professional broadcasters, record executives, TV and radio newscasters, and managers of radio and TV stations. WSHA has played a pivotal role in keeping the public & African American community in particular informed about political and educational information which helped to transform the lives of the citizens of Raleigh-Durham. A sale would put Shaw University on the wrong side of history and would contradict the principals on which the University was founded.

Congress adopted a compromise between the industry and the free speech advocates. With the Radio Act of 1927, and later the Communications Act of 1934 (which has been amended periodically and remains the charter for broadcast television today), two core principles were established. First, Congress prohibited common carriage for broadcasters and mandated a government-controlled, short-term licensing regime that assigned broadcasters to designated channels in the electromagnetic spectrum. Second, in order to justify this exclusionary zoning policy, Congress also required that broadcasters act as trustees of spectrum on behalf of all the others who were kept off the airwaves by the government. As guardians of a scarce and publicly owned resource, broadcasters were required to operate in the "public interest, convenience and necessity."

With a common carriage regime prohibition, Congress essentially stripped non-licensees of free speech rights in the broadcast medium except as authorized by “public interest” requirements. As a rule, only government-sanctioned licensees would have free speech rights in broadcasting. In this sense, the scarcity of access to the airwaves is a creature of government licensure. This exclusionary licensing arrangement was justified by requiring that broadcasters act as “public fiduciaries.”

The FCC has said that “our general mandate...calls for consideration of other factors and a balancing of all relevant factors by this Commission in assessing the public interest.” It has further clarified that the statutory duty to broadcast in the “public interest” imposed on licensees the obligation to be sensitive to problems of public concern in the community and to make sufficient time available for a full discussion of such problems in a non-discriminatory basis.

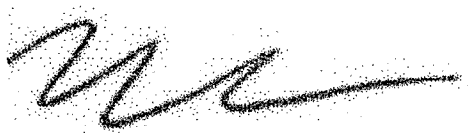
Diversity is an important value in broadcasting, whether it is in programming, political discourse, hiring, promotion, or business opportunities within the industry.

It is asked that the FCC not allow the sale of WSHA because it would silence the voice and resource for citizens that are disenfranchised and underrepresented. WSHA guests are community leaders and elected officials that provide insight about the affairs of Raleigh, Wake County, and North Carolina as related to underserved communities.

Educational Media Foundation’s “K-Love” Christian AC network currently airs in the market on 94.3 W232CH Raleigh and 101.9 W270AW Sanford fed via iHeartMedia’s 93.9 WNCB-HD3. The Educational Media Foundation operates radio networks specializing in adult contemporary Christian music. According to a recent article in the trade journal Inside Radio, EMF’s national Christian Adult Contemporary K-Love format has 558 stations in all 50 states (including 239 via translators that offer it presence to the right of 91.9 FM in numerous markets), and 283 contemporary Christian Air1 outlets in 44 states (with 149 translators).

Educational Media Foundation already has a presence in the area. Grant of further access to scarcity of spectrum to Educational Media Foundation would tremendously limit access of the disenfranchised and underrepresented to express and address issues of community concern through a willing radio station that caters to them, and this is posited to not be in public good in this matter. Educational Media Foundation has an out of state satellite feed and does not originate local program as WSHA does and would not serve the local public interest through diversity nor relate to the underserved communities encompassed by WSHA.

It is also asked to scrutinize and determine whether the full board consented to the sale and authorized chair to sign an agreement with Educational Media Foundation and to submit an application BALED 20180427ABF to FCC for assignment of license. The FCC has been submitted an application for assignment of license not authorized by full board. The board consists of about thirty seven entitled to vote. A majority of those entitled to vote is required for consent. There are numerous who did not vote nor consented to sale. Also, many who had right to vote were not informed of details and why WSHA was really being put for sale to Education media Foundation. There are those on the board who wanted WSHA sold specifically to Educational Media Foundation to gain bigger presence in market and conspired with Educational Media Foundation and others to ensure that the sale would be secret and prohibited other potential buyers who if knew would have come forward and made offer. The sale was clandestine and deliberately not publicized. The staff heard of the sale from listeners.

A handwritten signature in black ink, appearing to be 'M' followed by a long horizontal stroke.

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25 May

Shaw University sells WSHA-FM radio station – and a piece of history

By Brooke Cain

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March 23, 2018 06:40 PM

Raleigh

Shaw University's WSHA-FM, the first public radio station owned by a historically black college — and the go-to station for jazz, blues, reggae and gospel music in the Triangle — has been sold.

Shaw announced the sale in a news release this week as part of a plan to overhaul the school's Department of Mass Communications.

Interim president Paulette Dillard said the sale is part of a plan to "provide a 21st century education for the students who elect to come to Shaw." The investment in the mass communications department is a way for the school "to improve the career possibilities, the educational programs — the things that attract students to our university, because first and foremost, we are a university," said Dillard.

The sale has brought criticism from some Shaw alumni, who say the university is selling out its history "for a few pieces of silver."

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The station's 88.9 frequency will be transferred to the Educational Media Foundation, a nonprofit organization that operates radio networks specializing in adult contemporary Christian music. Dillard expects FCC approval of the sale to take about 90 days.

Dillard declined to disclose the sale price, but it will be public record once the deal is final.

In the meantime — for 90 days, at least — nothing will change for listeners. According to the deal described by Shaw, the school will retain ownership of the radio tower, WSHA call letters and broadcasting equipment. Dillard said the school will stream jazz over the internet from its website, shawu.edu/WSHA, but the details of that are still being finalized.

The WSHA campus offices are to become laboratory space for audio engineering, video editing, social media data analysis and streaming content creation.

Critics of the sale

A movement to save the station was started in December with a change.org online petition, which to date has more than 1,800 signatures. It was started by Edith Thorpe and Chrystle Swain, both graduates of Shaw who have worked in radio and television broadcasting.

Additionally, a group called Friends of Shaw University has also been outspoken in its criticism of the sale. Kesha Monk, a 1995 graduate of Shaw who works in radio in Boston, said she and members of that group have been trying to save the station since they learned of a Board of Trustees vote to sell the station in December.

"Once we learned of their intent to sell WSHA, a group of alumni actually offered to purchase the station. However, our efforts were blatantly ignored," Monk said in an email to The News & Observer. "As a Shaw alum I am appalled that this is what it's come to. ... Our rich history is being sold for a few pieces of silver to fill budget holes left behind by past presidents."

Dr. Dillard denies any knowledge of alumni offers to purchase the station.

"I can say emphatically I never received an offer from any alumni group to purchase the station," Dillard said. "And certainly, something like that, had it come in, written, et cetera, we would have record of that. ... I have no knowledge of any such offer."

As for the people upset about the loss of the station, Dillard said she can empathize, but the school's focus is on the future.

"It's about what we do as a university and not so much about the fully understandable love and historical significance of WSHA," Dillard said. "There's nothing we can say to anyone that necessarily lessens the emotional and historical significance of our owning WSHA for 50 years."

"Raleigh is a rich media market, and we want to be able to train our students to be the place that industry looks to to provide the next generation of media talent," said Dillard. "We have to be able to upgrade our programs and do those kinds of things. And let's be perfectly, candid — we don't have a lot of ways to do that because everything that we do is funded primarily through student tuition."

About WSHA

Shaw, the oldest historically black college in the South, founded WSHA in 1968.

The station's programming is a mix of jazz, blues, funk, reggae, Latin, African and gospel music, plus public affairs programs and some content from National Public Radio. The station is run by a combination of students and volunteers.

WSHA's stated mission is to "serve the Triangle community and the world, across continents, as no other station does with information, cultural, educational and global programming."

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Chief
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informal objection forwarded 25 May to office of Commissioner Mignon Clyburn

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