



Federal Communications Commission  
Washington, D.C. 20554  
March 28, 2019

In Reply Refer to:  
1800B3-TSN

Marissa G. Repp, Esq.  
Repp Law Firm  
1629 K Street, N.W.  
Suite 300  
Washington, DC 20006-1631

Mark J. Prak, Esq.  
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP  
1700 Wells Fargo Capitol Center  
150 Fayetteville Street  
Raleigh, NC 27601

Re: (NEW) FM Translator  
Charlottesville, Virginia  
Facility ID No. 148345  
File No. BNPFT-20130821ABF

**Petition to Deny**

Dear Counsel:

We have before us Monticello Media LLC's (Monticello) Petition to Deny (Petition) the application of Clear Channel Broadcasting Licenses, Inc. (CCBL) for a new FM translator station at Charlottesville, Virginia (Application). For the reasons stated below, we deny the Petition and grant the Application.

CCBL filed a "tech box" for a new translator in Charlottesville, Virginia, with its Form 175 application for Auction 83, an auction of new FM translator stations.<sup>1</sup> Applications that were not mutually exclusive with other applications were identified and applicants were instructed to file FCC Form 349 long-form applications.<sup>2</sup> CCBL's Charlottesville proposal was identified as a "singleton" – a translator proposal not mutually exclusive with any other proposals – and CCBL was instructed to file FCC Form 349, a long-form application.<sup>3</sup> The Application was timely filed.<sup>4</sup>

Monticello filed its Petition on September 11, 2013, alleging that the Application should be dismissed because CCBL, between filing the 2003 tech box and the 2013 long-form application, underwent a major change of ownership, but did not amend its application to reflect this major change,

---

<sup>1</sup> File No. BNPFT-20030317APS.

<sup>2</sup> See *Media Bureau Announces FM Translator Auction 83 Filing Window and Filing Procedures*, Public Notice, 28 FCC Rcd 11098 (MB 2013) (*July 2013 Singleton Public Notice*).

<sup>3</sup> See *July 2013 Singleton Public Notice*, 28 FCC Rcd at 11121.

<sup>4</sup> File No. BNPFT-20130821ABF.

allegedly in violation of Section 1.2105(b)(2) of the rules.<sup>5</sup> As CCBL correctly points out, however, the provisions of Section 1.2105 apply only to applicants proceeding to competitive bidding, not to non-mutually exclusive singleton applications such as CCBL's Application.<sup>6</sup>

Moreover, even if, *arguendo*, the prohibition against major changes in ownership were to apply to singleton applicants, the Media Bureau and Wireless Telecommunications Bureau have already determined that waiver of the major change prohibition, for CCBL's parent entity and other similarly situated Auction 83 applicants, is in the public interest.<sup>7</sup> The Bureaus cited numerous reasons, including the extraordinary length of time that Auction 83 applications were pending, in concluding that there were unique circumstances justifying waiver of the major change rule and allowing CCBL's parent and co-subsidiaries to participate in Auction 83 bidding.<sup>8</sup> In light of this determination, there is no reason to dismiss CCBL's singleton application.

For the foregoing reasons, Monticello's Petition to Deny IS DENIED, and the Application filed by Clear Channel Broadcasting Licenses, Inc., File No. BNPFT-20180821ABF, IS GRANTED.

Sincerely,



Albert Shuldiner  
Chief, Audio Division  
Media Bureau

---

<sup>5</sup> Petition at 3-6, citing 47 CFR § 1.2105(b)(2), (b)(4). The major change arose from CCBL's parent corporation's transfer of control from its public shareholders to private equity funds. *See Existing Shareholders of Clear Channel Communications, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 1421 (2008).

<sup>6</sup> Opposition to Petition to Deny filed by CCBL Sept. 23, 2013, at 3-5.

<sup>7</sup> *See Auction of FM Translator Construction Permits Scheduled for June 21, 2018; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 83*, Public Notice, 33 FCC Rcd 2292, 2296-99, paras. 7-8 (MB/WTB 2018).

<sup>8</sup> *Id.* at 2297-98, para. 8.