

LAW OFFICES

COHN AND MARKS LLP

SUITE 300

1920 N STREET N.W.

WASHINGTON, D.C. 20036-1622

ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
LAWRENCE N. COHN
RICHARD A. HELMICK
JEROLD L. JACOBS
ELLEN MANDELL EDMUNDSON

SUSAN V. SACHS

DIRECT DIAL:
202-452-4823

TELEPHONE: (202) 293-3860
FACSIMILE: (202) 293-4827
HOME PAGE: WWW.COHNMARKS.COM

POSTED
10/18/12

MARCUS COHN (1913-2001)
LEONARD H. MARKS (1916-2006)

EMAIL ADDRESS:
jerold.jacobs@cohnmarks.com

October 12, 2012

RECEIVED - FCC

VIA HAND DELIVERY

Peter H. Doyle, Esq.
Chief, Audio Division
Media Bureau
Federal Communications Commission
Portals II, Filing Center, TW-A325
Washington, D.C. 20554

OCT 12 2012

Federal Communications Commission
Bureau / Office

**Re: Request for Immediate Action on Pending Assignment Application
Station W238CE, Montgomery AL
Fac ID No. 146162
File No. BALFT-20120523ABY**

Dear Mr. Doyle

I am writing to you on behalf of Patrick Sullivan ("Sullivan") and Lake Broadcasting, Inc. ("Lake"), the assignor and proposed assignee of FM Translator Station W238CE, Montgomery, Alabama, respectively, to request immediate action upon the pending unopposed Form 345 application to assign Station W238CE to Lake. This letter follows my voicemail message to you on this matter on September 7, 2012 and an August 2, 2012 letter in which the parties advised the Commission that they did not intend to appeal the August 1, 2012 denial of their request for confidentiality of two documents in the application or to seek a judicial stay, pursuant to Section 0.459(g) of the Commission's Rules, and requested that the Media Bureau should immediately proceed with its review of the application. An original and two (2) copies of this letter are being submitted.

The subject application became ripe for grant on June 29, 2012, and it is based on a "Purchase Agreement" (copy enclosed), dated May 13, 2012, in which the parties agree that the agreement "may be terminated by Seller or Buyer...if Closing does not occur on or before the date that is six (6) months after the date hereof..." Thus, the transaction is subject to termination if closing does not occur by November 13, 2012 – 32 days from now.

Peter H. Doyle, Esq.

October 12, 2012


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Since the application is unopposed and neither the parties nor counsel have not received any correspondence or telephone call from the Commission since August 1 concerning it, Sullivan and Lake are concerned that the transaction will fail for lack of timely Commission action. The application has been ripe for grant since June 29, 2012 – 105 days. Counsel notes that the Commission has granted at least 12 FM translator assignment applications since September 26, 2012 that were filed later than the subject application. Indeed, the August 9, 2012 application of Education Media Foundation, File No. BALFT-20120809AAT, was granted on October 2, 2012, while no action has yet been taken on the parties' May 23, 2012 application.

Under these processing circumstances, and the fear that this transaction will fail, the parties have authorized counsel to file a Petition for Writ of Mandamus in the U.S. Court of Appeals for the District of Columbia Circuit, alleging unreasonable Commission delay in processing the subject application. Counsel is submitting this pre-filing letter to you as a courtesy in the hope that Commission action may occur within the next few days. (Processing an uncontested FM translator application is a 15-30 minute task, based on counsel's personal experience when he was Chief of the former Broadcast Facilities Division of the Bureau 34 years ago.) Absent such action, the parties will be obliged to file their Petition.

Please direct any communications or correspondence concerning this matter to the undersigned.

Sincerely


Jerold L. Jacobs
Counsel for Patrick Sullivan and
Lake Broadcasting, Inc.

Enclosure

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.

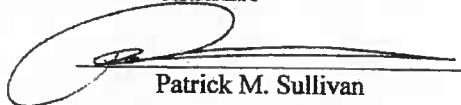
Buyer will pay all costs in connection with the FCC filing and the Closing. There are no other fees assumed by Seller. There are no broker fees payable by either party.

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.

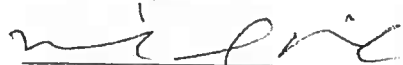
Acknowledged and Agreed

SELLER


Patrick M. Sullivan

5/13/12
Date

BUYER


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

5/13/2012
Date