

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re: Application of)
)
Philadelphia Television Network, Inc.) File No. BALDTL-20181120AAT
) Facility ID No. 167606
For Consent to an Involuntary)
Assignment of License of)
Low Power Television Station)
WEFG-LD, Philadelphia, Pennsylvania, to)
Joseph Bernstein, as a Receiver)

Attention: Video Division, Media Bureau

MOTION FOR LEAVE TO FILE SEVENTH SUPPLEMENT

Philadelphia Television Network, Inc. (“PTNI”), Eugene L. Cliett, an officer, director and shareholder of PTNI (“Cliett”), and DSP Investors, LLC, a secured creditor of PTNI (“DSP”, and together with PTNI and Cliett, the “Petitioners”), by their counsel, and pursuant to Section 1.41 of the Commission’s rules, 47 C.F.R. § 1.41, respectfully submits this Motion for Leave to File Seventh Supplement (“Motion for Leave”), to supplement the record related to Petitioner’s Petition for Reconsideration (the “Petition”)¹ of the grant of the above-captioned Form 316 application

¹ The Petition was electronically filed by the Petitioners on December 21, 2018, and supplemented by a Supplement to Petition for Reconsideration filed on January 2, 2019 (the “First Supplement”), and further supplemented by a Second Supplement to Petition for Reconsideration filed on January 28, 2019 (the “Second Supplement”). The First Supplement and Second Supplement were filed by Petitioners as a matter of right, within the time period required for filing a petition for reconsideration under Section 1.106(f) of the Commission’s rules, 47 C.F.R. § 1.106(f). See Second Supplement at ¶ 4 and n.4. A Third Supplement to Petition for Reconsideration (the “Third Supplement”), along with a Motion for Leave to File Third Supplement, were filed by Petitioners on October 28, 2019; a Fourth Supplement to Petition for Reconsideration (the “Fourth Supplement”), along with a Motion for Leave to File Fourth Supplement, were filed by Petitioners on December 10, 2019; a Fifth Supplement to Petition for Reconsideration (the “Fifth Supplement”), along with a Motion for Leave to File Fifth Supplement, were filed by Petitioners on October 30, 2020; and a Sixth Supplement to Petition for Reconsideration (the “Sixth Supplement”), along with a Motion for Leave to File Sixth Supplement, were filed by Petitioners on February 15, 2021.

(File No. BALDTL-20181120AAT, the “Application”) for Federal Communications Commission (“FCC”) consent to the involuntary assignment of the license of Low Power Television (“LPTV”) broadcast station WCFG-LD, Philadelphia, Pennsylvania (Facility ID No. 167606, “WCFG”), to Joseph Bernstein (“Bernstein”), as a temporary receiver, to advise the Commission of a recent Pennsylvania appellate court order dismissing the only appeal of the Philadelphia court order vacating the appointment of Bernstein as temporary receiver of WCFG, leaving no legal basis for the Commission to delay its consent to removing Bernstein as nominal FCC licensee of WCFG.

In their Third Supplement, Petitioners advised the Commission of an order from a Philadelphia court denying the underlying petition for appointment of receiver on which the order appointing Bernstein as a temporary receiver was based and vacating the Receiver Appointment Order itself, removing Bernstein as temporary receiver for WCFG’s FCC license,² and therefore any legal basis for the grant of the Application. The purpose of the Seventh Supplement to Petition for Reconsideration being filed on this same date (the “Seventh Supplement”) is to advise the Commission that only appeal of the Receiver Removal Order has been dismissed.³

In the Sixth Supplement, Petitioners advised the Commission that a California appellate court order vacating the underlying California default, default judgment, and assignment order on which the appointment of the receiver was based, was also a final order. See Sixth Supplement, *passim*. Since the Receiver Removal Order is no longer under appeal, and the default, default judgment, and assignment orders on which the appointment of Bernstein as temporary receiver was based also having been vacated by a final order, the Petition must be granted, the Application reinstated and dismissed or denied, and PTNI promptly reinstated as the FCC licensee of PTNI.

² See Order dated October 24, 2019, by the Philadelphia County Court of Common Pleas (the “Philadelphia Court”) in Case No. 000074, a copy of which was attached to the Third Supplement as Exhibit A (the “Receiver Removal Order”).

³ See Order issued April 13, 2021, by the Superior Court of Pennsylvania, Philadelphia County Civil Division (the “Pennsylvania Appellate Court”), Appeal No. 180500074 in Case No. 3529 EDA 2019, a copy of which is attached to the Seventh Supplement as Exhibit A (the “Order”).

Considering this Seventh Supplement would serve the public interest by updating the record in this proceeding, and allowing the Commission to take prompt action to grant the Petition now that all issues and arguments raised in opposition to the Petition have been fully resolved by the appropriate courts, and are now moot. Therefore, Petitioners request that the Commission accept and consider the Seventh Supplement. so that the Commission has a complete record in this proceeding.

Wherefore, the premises set forth above in this Motion for Leave being considered, Petitioners respectfully request that the Commission grant this Motion for Leave, accept and consider the Seventh Supplement being filed by Petitioners on this same date, and based on the Receiver Removal Order previously submitted to the Commission and the Order dismissing the only appeal of same, as well as all other information PTNI has presented to the Commission in this proceeding, and promptly grant the Petition, reinstate and dismiss or deny the Application, and immediately reinstate PTNI as the proper FCC licensee of WEEG.

Respectfully submitted,

**Philadelphia Television Network, Inc.,
Eugene L. Cliett, and DSP Investors, LLC**



By: _____
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April 15, 2021 (electronically filed in CDBS)

CERTIFICATE OF SERVICE

I, Jeffrey L. Timmons, hereby certify that on this 15th day of April, 2021, a copy of the foregoing “Motion for Leave to File Seventh Supplement” has been served by United States first class or priority mail, postage prepaid and mailed on the pleading filing date, upon the following:

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