



Federal Communications Commission  
Washington, D.C. 20554

June 3, 2008

**DA 08-1305**

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Smart Media Group and  
Mark Kennedy '06 Campaign  
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Re: Applications for Assignment of License of  
WMBB(TV), Panama City, FL, ID No. 66398,  
File No. BALCT-20080327ACW  
KALB(TV), Alexandria, LA, ID No. 51598,  
File No. BALCT-20080327ACX

Dear Counsel:

This is in regard to the applications to assign the licenses of television stations WMBB(TV), Panama City, Florida, ID No. 66398, File No. BALCT-20080327ACW, and KALB(TV), Alexandria, Louisiana, ID No. 51598, File No. BALCT-20080327ACX, from subsidiaries of Media General Communications Holdings, LLC ("Media General") to subsidiaries of Hoak Media, LLC ("Hoak"). A petition to deny was filed by Smart Media Group and the Mark Kennedy '06 Campaign ("Petitioners"). As explained below, the station where the alleged violation took place is not part of the transaction and Hoak was not the licensee at the time of the alleged violation, and accordingly we dismiss the petition and grant the applications.

The Petitioners allege that the previous licensee of television station KVLV(TV), Fargo, Utah, North Dakota Television License, Sub, LLC ("North Dakota Television") charged the Mark Kennedy '06 Campaign for the United States Senate advertising rates that were in excess of the lowest unit charge

("LUC") in violation of the Commission's Rules.<sup>1</sup> The Petitioners go on to allege that Hoak has not properly audited its records and has not issued a rebate for any overcharges by North Dakota Television. The Petitioners have already filed an LUC complaint based on the same allegations.<sup>2</sup> Based on this alleged misconduct, the Petitioners argue that Hoak is not qualified to be a Commission licensee.

In its opposition, Hoak states that it did not acquire or control KVLV(TV) until January 3, 2007<sup>3</sup> and the sale of the advertising time at issue took place prior to the November 7, 2006 election. Therefore, Hoak argues, it was not the licensee at the time of the alleged LUC violation.

The Petitioners have not alleged that the applications at issue here violate the Commission's policies and rules. They have not alleged that there has been any finding of misconduct by either of the parties to the applications. At best, they have alleged that Hoak has not properly audited the records of a station that is not part of this transaction for a time period when it was not under Hoak's control and, therefore, has failed to issue a rebate to which they claim they are due. Absent a tolling agreement, it is well established that the Commission does not hold an assignee of a broadcast station responsible for conduct that has occurred prior to the date on which the assignee acquired the station.<sup>4</sup>

We find that the applicants are fully qualified and that grant of the applications would be in the public interest.

ACCORDINGLY, IT IS ORDERED That, the petition to deny filed by Smart Media Group and the Mark Kennedy '06 Campaign is DISMISSED. IT IS FURTHER ORDERED That the applications to assign the licenses of television stations WMBB(TV), Panama City, Florida, ID No. 66398, File No. BALCT-20080327ACW, and KALB(TV), Alexandria, Louisiana, ID No. 51598, File No. BALCT-20080327ACX, from subsidiaries of Media General Communications Holdings, LLC to subsidiaries of Hoak Media, LLC ARE GRANTED.

Sincerely,

Clay C. Pendarvis  
Associate Chief, Video Division  
Media Bureau

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<sup>1</sup> See 47 C.F.R. § 73.1942.

<sup>2</sup> See Letter from Benjamin L. Ginsberg to Chairman Martin, *et al.*, dated January 25, 2008.

<sup>3</sup> See File No. BALCT-20070721ADM.

<sup>4</sup> *Americom Las Vegas Ltd. Partnership, Letter*, 15 FCC Rcd 13550 (2000).