



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
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DA 16-765
July 6, 2016

FRONTIER MEDIA, LLC SEEKS FOREIGN OWNERSHIP RULING PURSUANT TO SECTION 310(b)(4) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

PLEADING CYCLE ESTABLISHED

MB Docket No. 16-212

Comments Due: August 5, 2016
Replies Due: August 22, 2016

I. INTRODUCTION

Frontier Media, LLC (“Frontier Media”) has filed a petition for declaratory ruling (“Petition”) with the Commission requesting that the Commission find, pursuant to Section 310(b)(4) of the Communications Act of 1934, as amended,¹ that it would serve the public interest to permit Frontier Media’s Australian principals, Richard and Sharon Burns, who are husband and wife, to increase their foreign ownership in the radio stations at issue from a joint 20 percent to 100 percent.

The Petition is filed in connection with four applications, concurrently filed on June 3, 2016, seeking consent to the transfer of control of four licensee entities, for 29 stations (7 AMs, 8 FM, 13 FM translators, and 1 UHF Translator), to Frontier Media: 1) Alaska Broadcast Communications, Inc.;² 2) Jo-Al Broadcasting, Inc.;³ 3) Juneau Alaska Communications, LLC;⁴ and 4) Texarkana Radio Center Licenses, LLC.⁵ Frontier Media states that grant of the Petition would serve the public interest because it would allow the husband-wife Australian principals, Richard and Sharon Burns, who have resided and operated stations in

¹ 47 U.S.C. § 310(b)(4); *see also Commission Policies and Procedures Under Section 310(b)(4) of the Communications Act, Foreign Investment in Broadcast Licensees*, Declaratory Ruling, 28 FCC Rcd 16244 (2013).

² The transfer of control application consists of 10 radio stations (3 AMs, 3 FM, and 4 FM translators). *See* File No. BTCH-20160603ABQ, KGTW(FM), Ketchikan, Alaska, et seq.

³ The transfer of control application consists of one FM radio station. *See* File No. BTCH-20160603ACX, KTOY(FM), Texarkana, Arkansas.

⁴ The transfer of control application consists of 10 stations (2 AMs, 1 FM, 6 FM translators and 1 UH translator). *See* File No. BTC-20160603ACC, KINY(AM), Juneau, Alaska, et seq.

⁵ The transfer of control application consists of 8 radio stations (2 AMs, 3 FM, and 3 FM translators). *See* File No. BTC-20160603ACO, KCMC, Texarkana, Texas, et seq.

Alaska for the past ten years, to increase their existing combined foreign ownership from 20 percent to 100 percent for the radio stations at issue.

In support of the Petition, Frontier Media notes that Richard Burns has been managing the Alaska radio stations for ten years and the Texarkana stations for three years and thus, is “thoroughly familiar with FCC rules and operating procedures.”⁶ Frontier Media contends that grant of the Petition would further the public interest goal of promoting broadcast service to Alaska, which is generally an underserved area, and to the small communities of Texarkana, Texas, Hope, Arkansas, and New Boston, Texas. Frontier Media maintains that Australian ownership poses no national security or other threat to the United States, given the fact that Australia is one of our most steadfast allies and shares many of our cultural traditions.⁷ Frontier Media states that grant of the Petition would further the Commission’s goals of encouraging foreign investment and ownership diversity in U.S. broadcast stations, and it would not implicate any homeland security concerns by allowing these Australian citizens who have “not only been residents of the United States for the past ten years, but model residents who have been involved in the US radio business,” to increase their current foreign ownership percentage beyond the twenty-five percent benchmark specified in Section 310(b)(4) of the Act.⁸

II. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission’s rules,⁹ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission’s rules.¹⁰

Parties making oral *ex parte* presentations are directed to the Commission’s *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely list the subjects discussed.¹¹ More than a one- or two-sentence description of the views and arguments presented is generally required.¹² Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.¹³

⁶ Petition at 8.

⁷ Petition at 2.

⁸ Richard and Sharon Burns moved to Juneau, Alaska, in 2006 for the purpose of managing the radio stations owned by Roy Paschal, and have held minority ownership interests in the Alaska stations since May 2011 (*See* File No. BTC-20111130EWM), and the Texarkana radio stations since March 2013 (*See* File No. BALH-20121121ABR). Richard Burns has managed the Alaska and Texarkana stations as Chief Executive Officer (“CEO”). In October 2010, Richard Burns was named “Citizen of the Year” by the Juneau, Alaska, Chamber of Commerce, based on his community efforts as CEO of Alaska Broadcast Communications, Inc. and Juneau Alaska Communications, LLC. He was past president of the Juneau Glacier Valley Rotary Club, serving on the boards of the Juneau Chamber of Commerce since 2015 and the Juneau Convention and Visitors Bureau since 2008. Sharon Burns served on the Juneau Chamber of Commerce Board for six years. *See* Petition at 6.

⁹ 47 CFR § 1.1200(a).

¹⁰ 47 CFR § 1.1206.

¹¹ *See* 47 CFR § 1.1206(b)(1).

¹² *See id.*

¹³ 47 CFR § 1.1206(b).

III. GENERAL INFORMATION

The Petition has been found, upon initial review, to be acceptable for filing. The Commission may require Frontier Media to submit any additional documents or statements of fact that in its judgment may be necessary, or to amend the underlying application so as to make it “more definite and certain.”¹⁴ The Commission also reserves the right to return the Petition if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules or policies.

Interested parties must file comments no later than August 5, 2016. Persons and entities that file comments become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Replies to such pleadings must be filed no later than August 22, 2016. All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 16-212.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁵ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Under the Commission’s current procedures for the submission of filings and other documents,¹⁶ submissions in this matter may be filed electronically through the Commission’s Electronic Comment Filing System (“ECFS”) or by hand delivery to the Commission.

- **If filed by ECFS,**¹⁷ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

¹⁴ 47 CFR § 73.3514(b); *see also* *BBC License Subsidiary, L.P.*, Order, 10 FCC Rcd 2458, 2461 (MMB 1994).

¹⁵ *See* 47 CFR § 1.45(c).

¹⁶ *See* *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

¹⁷ *See* *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Peter Doyle, Audio Division, Media Bureau, at peter.doyle@fcc.gov or (202) 418-1410 (facsimile); (2) Lisa Scanlan, Audio Division, Media Bureau, at lisa.scanlan@fcc.gov (202) 418-1410 (facsimile); (3) Rolanda F. Smith, Audio Division, Media Bureau, at rolanda-faye.smith@fcc.gov or 202 418-1410 (facsimile); and (4) Christine Goepf, Audio Division, Media Bureau, at christine.goepf@fcc.gov or (202) 418-1410 (facsimile). Any submission that is e-mailed to Peter Doyle, Lisa Scanlan, Rolanda F. Smith, and Christine Goepf should include in the subject line of the e-mail: (1) MB Docket No. 16-212; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (*e.g.*, MB Docket No. 16-212, [name of submitting party], Comments).

Copies of the Petition and any subsequently-filed documents in this matter are available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. In addition, the Petition is available electronically through the Media Bureau's Consolidated Database System ("CDBS"), which may be accessed on the Commission's Internet website.¹⁸

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov; phone: (202) 418-0530 or TTY: (202) 418-0432.

For further information, contact Rolanda F. Smith, Audio Division, Media Bureau, at (202) 418-2054, Lisa Scanlan, Audio Division, Media Bureau, at (202) 418-2700, or Christine Goepf, Audio Division, Media Bureau, at (202) 418-7834. Press inquiries should be directed to Janice Wise, Media Bureau, (202) 418-2555 or (888) 835-5322.

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¹⁸ Frontier Media filed the Petition as an exhibit to each of the four transfer of control applications. *See* lead application File Nos. BTCH-20160603ABQ; BTCH-20160603ACX; BTC-20160603ACO; and BTC-20160603ACC.