



Federal Communications Commission
Washington, D.C. 20554

September 20, 2022

DA 22-978

In Reply Refer to: 1800B3-DB

Released: September 20, 2022

Aaron P. Shainis, Esq.
Shainis & Peltzman, Chartered
1850 M St., N.W., Suite 240
Washington, DC 20036
aaron@s-plaw.com

James L. Winston, Esq.
Rubin, Winston, Diercks, Harris & Cooke, LLP
1201 Connecticut Ave., N.W., Suite 200
Washington, DC 20036
jwinston@rwdhc.com

In re: W256CL, Park Forest, Illinois
Facility ID No. 152811
File No. BPFT-20171229ABE

Application for Review

Dear Counsel:

We have before us an Application for Review (AFR) and Motion for Stay filed concurrently on February 27, 2020, by Sound of Hope Radio, NFP (Sound of Hope), licensee of low-power FM station WQEG-LP, Chicago, Illinois.¹ Sound of Hope seeks review of the Media Bureau's (Bureau) decision denying its Petition for Reconsideration of a prior *Staff Decision*.² In the *Staff Decision*, the Bureau granted the modification application of Edgewater Broadcasting, Inc. (Edgewater) seeking to relocate the transmitter site of FM translator station W256CL, Park Forest, Illinois (Translator), from Posen, Illinois to Chicago, Illinois.³ As a result of changed circumstances and as explained more fully below, the AFR and Motion for Stay are dismissed as moot.

The Modification Application at issue concerns Edgewater's December 2017 application seeking

¹ Application for Review of Sound of Hope, Pleading File No. 0000106689 (filed Feb. 27, 2020) (Application for Review); Motion for Stay of Sound of Hope, Pleading File No. 0000106690 (filed Feb. 27, 2020) (Motion for Stay). The Application for Review and Motion for Stay are unopposed.

² See *Aaron P. Shainis, Esq., and James L. Winston, Esq.*, Letter Order, Ref. 1800B3-SS (MB Jan. 29, 2020) (*Reconsideration Decision*); *Aaron P. Shainis, Esq., and James L. Winston, Esq.*, Letter Order, 34 FCC Rcd 4594 (MB 2019) (*Staff Decision*) (collectively, *Bureau Decisions*). See also Petition for Reconsideration and Motion for Stay of Sound of Hope, File No. BPFT-20171229ABE (filed July 1, 2019) (Petition).

³ See *Staff Decision*. Edgewater was the licensee of FM translator station W256CL, Park Forest, Illinois, until Edgewater consummated an authorized assignment of the station license to Ohana Del Sol, LLC (Ohana), on August 23, 2021. See Application File No. 0000149955 (granted Aug. 13, 2021) (Modification Application); Application File No. 0000157620 (accepted Aug. 23, 2021). Currently, Ohana is the licensee of the Translator.

to relocate the Translator's facilities.⁴ Sound of Hope objected to the Modification Application, but the Bureau denied the Objection,⁵ issued a construction permit for the requested new facilities,⁶ and upheld its initial decision on reconsideration.⁷ In its Application for Review, Sound of Hope sought to reverse the Bureau.⁸

Upon further consideration, we conclude that the AFR and Motion for Stay are moot due to changed circumstances. As noted above, Edgewater consummated an authorized assignment of the Translator's license to Ohana on August 23, 2021.⁹ Ohana failed to construct the Translator's modified facilities as authorized by June 5, 2022, the expiration date of the permit.¹⁰ Therefore, the construction permit expired by its terms on June 5, 2022, and was automatically forfeited.¹¹ Because this matter is resolved on procedural grounds, we need not reach the substantive arguments in the AFR or Motion for Stay.

Accordingly, **IT IS ORDERED** that the Application for Review filed by Sound of Hope Radio, NFP on February 27, 2020, **IS DISMISSED** without prejudice, for the reasons stated herein, as moot.

IT IS FURTHER ORDERED that the Motion for Stay filed by Sound of Hope Radio, NFP on February 27, 2020, **IS DISMISSED** as moot.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁴ See File No. BPFT-20171229ABE (filed Dec. 29, 2017); *Broadcast Applications*, Public Notice, Report No. 29145 (Jan. 4, 2018).

⁵ *Staff Decision*, 34 FCC Rcd at 4594, 4600.

⁶ See File No. BPFT-20171229ABE.

⁷ *Reconsideration Decision* at 4.

⁸ See Application for Review.

⁹ See *supra* note 3.

¹⁰ See 47 CFR § 73.3598; File No. BPFT-20171229ABE.

¹¹ See 47 CFR § 73.3598(e) ("Any construction permit for which construction has not been completed and for which an application for license has not been filed, shall be automatically forfeited upon expiration without any further affirmative cancellation by the Commission.").