

**Before the
Federal Communications Commission
Washington, D.C. 20554**

| | | |
|---|---|-------------------------------------|
| In the Matter of Applications of |) | |
| |) | |
| Chesapeake Television Licensee, LLC, for |) | LMS Application File No. 0000115674 |
| Renewal of License for Station WBFF, Baltimore, |) | Facility ID No. 10758 |
| Maryland, |) | |
| |) | |
| Baltimore (WNUV-TV) Licensee, Inc., for |) | LMS Application File No. 0000115578 |
| Renewal of License for Station WNUV, Baltimore, |) | Facility ID No. 7933 |
| Maryland, and |) | |
| |) | |
| Deerfield Media (Baltimore) Licensee, LLC, for |) | LMS Application File No. 0000115626 |
| Renewal of License for Station WUTB, Baltimore, |) | Facility ID No. 60552 |
| Maryland |) | |

MEMORANDUM OPINION AND ORDER

Adopted: June 27, 2025**Released: June 27, 2025**

By the Acting Chief, Media Bureau:

I. INTRODUCTION

1. The Media Bureau (Bureau) has before it the above-captioned license renewal applications (collectively, Renewal Applications) for full power television stations WBFF, WNUV and WUTB, Baltimore, Maryland (collectively, Stations), licensed to, respectively, Chesapeake Television Licensee, LLC (Chesapeake), a subsidiary of Sinclair Broadcast Group, Inc. (Sinclair); Baltimore (WNUV-TV), Inc., a subsidiary of Cunningham Broadcasting Corporation (Cunningham); and Deerfield Media (Baltimore) Licensee, LLC, a subsidiary of Deerfield Media (Baltimore), Inc. (Deerfield). We also have before us a petition to deny (Petition) the Renewal Applications filed by Ihor Gawdiak (Gawdiak),¹ a Motion for Substitution (Motion) filed by Eleanor Goldfield (Goldfield), and related responsive pleadings.² For the reasons set forth below, we deny the Motion, dismiss the Petition, and grant the Renewal Applications.

¹ Petitions to Deny the Renewal Applications of Chesapeake Television Licensee, LLC; Baltimore (WNUV-TV) Licensee, Inc., and Deerfield Media, Inc., Pleading File Nos. 0000120968, 0000120969, and 0000120970 (filed Sep. 1, 2020). Chesapeake, Cunningham, and Deerfield all filed oppositions to the Petition (Pleading File Nos. 0000123653, 0000123599, 0000123619, filed Oct. 1, 2020) (collectively, Oppositions). Gawdiak filed a reply to the Oppositions (Pleading File Nos. 0000124920, 0000124921, and 0000124924, filed Oct. 10, 2020).

² Motions of Eleanor Goldfield for Substitution of Petitioner, Pleading File Nos. 0000235619, 0000235620, and 0000235621 (filed Jan. 18, 2024) (Motion). Chesapeake filed an opposition to the Motion (Pleading File No. 0000237250, filed Jan. 29, 2024) (Chesapeake Opposition to Motion), and Cunningham and Deerfield jointly filed oppositions to the Motion (Pleading File No. 0000237266 and 0000237279, filed Jan. 29, 2024). Chesapeake also filed a Motion to Dismiss the Petition (Pleading File Nos. 0000237256, filed Jan 29, 2024) and Cunningham and Deerfield jointly filed a Motion to Dismiss the Petition (Pleading File Nos. 0000237271 and 0000237287, filed Jan 29, 2024). Goldfield filed a “Reply to Opposition to Motion for Substitution and Opposition to Motion to Dismiss Petition to Deny” (Pleading File Nos. 0000238245, 0000238249, 0000238254, 0000238255, 0000238257, and 0000238260, filed Feb. 5, 2024) (Goldfield Reply). Chesapeake filed a “Reply to Opposition to Motion to Dismiss” (Pleading File No. 0000238935, filed Feb. 13, 2024), and Cunningham and Deerfield jointly filed a “Reply in
(continued....)

II. BACKGROUND

2. *Petition to Deny.* On September 1, 2020, Gawdiak filed the Petition, contending that the Commission should issue an order designating the Renewal Applications for hearing because, he alleges, the licensees fail to comply with section 309 of the Communications Act of 1934 (Act). Specifically, Gawdiak makes the following allegations: (1) that Sinclair has *de facto* control of Cunningham, Deerfield, and other entities;³ (2) that Sinclair has repeatedly violated the Commission's sponsorship identification rules;⁴ (3) that Sinclair has repeatedly failed to negotiate with multichannel video programming distributors in good faith;⁵ and (4) that Sinclair has repeatedly failed to properly maintain its public inspection files.⁶

3. *Substitution of Parties.* Subsequent to filing the Petition, Gawdiak passed away.⁷ On January 18, 2024, Arthur Belendiuk, Esq., counsel of record for Gawdiak, filed the Motion to substitute Goldfield as the petitioner for the Petition. The Motion argues that Gawdiak had standing to file the Petition as a resident and regular viewer of the stations at issue and that "Eleanor Goldfield, who also is a regular viewer of the named stations, would like to take up Ihor Gawdiak's cause and moves to replace him as the Petitioner on the Petition."⁸ The Motion further states that "[t]he de facto control of Sinclair . . . over the three stations diminishes the number of voices, the diversity of points of view and the quality and amount of television programming available to her and other regular viewers of the stations in the Baltimore DMA."⁹

4. In its opposition, Chesapeake argues that there is no legal basis to grant the substitution request and that the Motion fails to establish standing for Goldfield. With respect to the first argument, Chesapeake asserts that the Motion "fails to cite any rules, precedent, or other authority binding on the FCC or otherwise that would permit Ms. Goldfield to step into Mr. Gawdiak's shoes as the petitioner."¹⁰ Chesapeake contends, moreover, that the Motion fails to provide any connection at all between Goldfield and Gawdiak, other than having the same legal representation, which is not a significant nexus to permit substitution.¹¹ While recognizing that the Federal Rules of Civil Procedure do not govern Commission proceedings, Chesapeake notes that while "Federal Rule of Civil Procedure 25 permits substitution of a 'proper party' for a person who dies while litigation in federal court . . . courts ruling on substitution motions have consistently limited who qualifies as a 'proper party' to an existing party to the litigation or the legal successor, executor, or personal representative of the decedent's estate."¹²

5. As for the matter of standing, Chesapeake states that, since she cannot qualify as a legal successor to Gawdiak, Goldfield missed her opportunity to participate in the proceeding when she failed

(Continued from previous page) _____
Support of Motion to Dismiss Petition to Deny" (Pleading File Nos. 0000239070 and 0000239067, filed Feb. 15, 2024).

³ Petition at 11-26.

⁴ *Id.* at 26.

⁵ *Id.* at 27.

⁶ *Id.* at 28-30.

⁷ *See* Motion.

⁸ Motion at 2.

⁹ *Id.*

¹⁰ Chesapeake Opposition to Motion at 2.

¹¹ *Id.* at 2-3.

¹² *Id.* at 2, n. 2 (citing *John Alden Life Ins. Co. v. Wright*, 838 F.2d 466 (4th Cir. 1988)).

to file by the September 1, 2020, deadline¹³ and that permitting the substitution here would “make a mockery of the Commission’s deadlines and processes.”¹⁴ Moreover, Chesapeake contends that Goldfield did not even have standing when petitions to deny the Renewal Applications were due, noting that its own search indicates that Goldfield did not move to Baltimore until May of 2023.¹⁵ Chesapeake states that “[t]he Commission cannot lawfully permit an individual who lacked standing at the time petitions were due to become a petitioner years later simply because the original petitioner—to whom she has established no legal relationship—has died.”¹⁶ Finally, Chesapeake avers that Goldfield’s declaration is insufficient because she did not claim to have any personal knowledge of the facts underlying the allegations made in the Petition, rather only personal knowledge of the factual allegations themselves.¹⁷

6. Goldfield argues in her reply that, although Chesapeake contends that it knows of no Commission precedent for substitution of a petitioner legally unrelated to the decedent, it does not argue that the Commission lacks such authority.¹⁸ Goldfield further argues that her interest in the proceeding is compelling because, while conceding that she was not a resident of Baltimore at the time the Petition was filed, she is currently a resident and regular viewer of the Stations.¹⁹

III. DISCUSSION

7. We agree with Chesapeake that Goldfield has not presented a legal basis to permit her substitution, as she has no established legal connection to Gawdiak. In prior cases where the Commission has allowed for a substitution of a deceased petitioner, the substituting party was the executor of the petitioner’s estate.²⁰ Here, the Motion and subsequent filings fail to establish that Goldfield is the executor of Gawdiak’s estate or that she is any sort of legal successor to Gawdiak. Indeed, the record fails to demonstrate any connection at all between Goldfield and Gawdiak. And a mere desire to “take up [] Gawdiak’s cause” is not a sufficient legal basis for substitution. For this reason, Goldfield’s claim that she is currently a regular viewer of the stations is not relevant to the question of substitution. Accordingly, for the foregoing reasons, the Motion is denied.

8. Having denied the Motion, we dismiss the Petition as there is no party left to prosecute it. And in the absence of the Petition, we are not presented with any substantial and material questions of fact that would call into question whether grant of the Renewal Applications is in the public interest.²¹ Therefore, and based upon our independent review of each application, we find that renewal is appropriate and that the public interest would be served by granting the Renewal Applications.²²

¹³ *Id.* at 3.

¹⁴ *Id.* at 3-4.

¹⁵ *Id.* at 5.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Goldfield Reply.

¹⁹ *Id.*

²⁰ Compare *Entercom License, LLC*, Hearing Designation Order, 31 FCC Rcd 12196, 12196 n.3 (2016) (*Entercom License*) (party substituted as petitioner in his capacity as the executor for the estate of his mother); *Entercom Portland License, LLC*, Letter Order, 23 FCC Rcd 3695, 3695 n.1 (MB 2008) (same); see also *Telecable Corp., Kokomo and Howard County, Ind.*, Memorandum Opinion and Order, 24 FCC 2d 466, 466 n.1 (1970) (party substituted where it had acquired all of the interests of petitioner that had filed a petition for waiver). Thus, Goldfield’s reliance on *Entercom License* as a basis to claim she should be substituted for Gawdiak is misplaced. See Goldfield Reply at 2.

²¹ See 47 U.S.C. § 309(d).

²² See 47 U.S.C. § 309(d), (k).

IV. ORDERING CLAUSES

9. Accordingly, **IT IS ORDERED** that the Motions for Substitution of Petitioner filed by Eleanor Goldfield on January 18, 2024 (Pleading File Nos. 0000235619, 0000235620, and 0000235621), **ARE DENIED**.

10. **IT IS FURTHER ORDERED** that, the Petitions to Deny filed by Ihor Gawdiak on September 1, 2020 (Pleading File Nos. 0000120968, 0000120969, and 0000120970), **ARE DISMISSED**.

11. **IT IS FURTHER ORDERED** that, pursuant to section 309(k)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(k)(1), the license renewal application for full power television station WBFF, Baltimore, Maryland, filed by Chesapeake Television Licensee, LLC (LMS Application File No. 0000115674), **IS GRANTED**.

12. **IT IS FURTHER ORDERED** that, pursuant to section 309(k)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(k)(1), the license renewal application for full power television station WNUV, Baltimore, Maryland, filed by Baltimore (WNUV-DT), Inc. (LMS Application File No. 0000115578), **IS GRANTED**.

13. **IT IS FURTHER ORDERED** that, pursuant to section 309(k)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(k)(1), the license renewal application for full power television station WUTB, Baltimore, Maryland, filed by Deerfield Media (Baltimore), Inc. (LMS Application File No. 0000115626), **IS GRANTED**.

14. These actions are taken pursuant to section 0.61 and 0.283 of the Commission's rules, 47 CFR §§ 0.61, 0.283.

FEDERAL COMMUNICATIONS COMMISSION

Erin Boone
Acting Chief, Media Bureau