



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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FCC DESIGNATES APPLICATION TO ASSIGN WUMX(FM), CHARLOTTESVILLE, VA, FOR HEARING

Washington, DC -- Today, the Federal Communications Commission (FCC) designated the application to assign radio station WUMX(FM), Charlottesville, Virginia from Air Virginia, Inc. to Clear Channel Radio Licenses, Inc. for hearing. The FCC found that the proposed transaction raised competitive concerns by reducing the number of effective competitors in the Charlottesville radio market from three to two. The FCC was unable to find sufficient public interest benefits on the record to outweigh the potential for competitive harm. Accordingly, the FCC was unable to find that the application served the public interest and, as required by Section 309(e) of the Communications Act, issued a Hearing Designation Order.

This is the first media assignment case to be set for hearing on concentration issues since 1969. The FCC evaluated the application pursuant to the interim policy adopted on November 8, 2001 in the *Local Radio Ownership NPRM*, FCC 01-329, which established a framework for resolving a backlog of radio assignment and transfer applications. The interim policy also sets forth certain factors that the FCC will consider in determining whether the ownership concentration level proposed by an application raises public interest concerns.

In the hearing, parties will have an opportunity to provide more detailed evidence of market conditions in Charlottesville, as well as any evidence concerning the competitive and other public interest benefits and harms of the proposed transaction. Alternatively, the applicants have the right to defer the hearing and have the application evaluated pursuant to the final rules to be adopted in the pending *Local Radio Ownership* proceeding.

Action by the Commission February 14, 2002, by Hearing Designation Order (FCC 02-53). Chairman Powell and Commissioners Abernathy, Copps and Martin issuing separate statements.

MM Docket No. 02-38