

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

In the Matter of )
URBAN RADIO I, LLC )
Assignor )
and ) File No. BAL-20061108AHP
MARCONI BROADCASTING COMPANY, LLC ) Facility ID No. 33686
Assignee )
Application for Consent to Assignment of License )
of Station WHAT(AM), Philadelphia, Pennsylvania )

MEMORANDUM OPINION AND ORDER

Adopted: March 20, 2013

Released: March 21, 2013

By the Commission:

1. We have before us an April 14, 2008, Application for Review ("AFR"), filed by Leon A. Williams ("Williams"). In the AFR, Williams seeks review of the Media Bureau, Audio Division ("Bureau") March 14, 2008, decision denying Williams's Petition for Reconsideration of the December 28, 2006, grant of an uncontested application for consent to assign the license of broadcast station WHAT(AM), Philadelphia, Pennsylvania, from Urban Radio I, LLC, to Marconi Broadcasting Company, LLC ("Assignment Application"). In the Staff Decision, the Bureau found that Commission policy precluded consideration of potential format changes in reviewing the Assignment Application.

2. Upon review of the AFR and the entire record, we conclude that Williams has failed to demonstrate that the Bureau erred. The Bureau properly decided the matters raised, and we uphold the Staff Decision for the reasons stated therein.

1 Marconi Broadcasting, LLC, filed an Opposition to the AFR on April 29, 2009.

2 Leon A. Williams, Esq., et al., Letter, 23 FCC Rcd 4039 (MB 2008) ("Staff Decision").

3 Williams also alleged that Urban and Marconi failed to provide public notice of the Assignment Application under 47 C.F.R. §§ 73.3580(c) and (d)(3)(i), and charges that the Bureau ignored this allegation. On the contrary, the Bureau cited Urban Radio and Marconi's affidavits demonstrating that they had fully complied with the public notice requirements. Staff Decision, 23 FCC Rcd at 4040 n.2. In his Application for Review, Williams does not present any evidence rebutting these affidavits. In any event, we concur with the Bureau's finding that, even had Williams not been aware of the public notice, he took advantage of his opportunity to protest grant of the Assignment Application under 47 C.F.R. § 1.106(b)(1), and the Bureau fully considered and rejected the substantive arguments raised in his petition for reconsideration. Staff Decision, 23 FCC Rcd at 4040.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.115(g) of the Commission's rules,<sup>5</sup> the Application for Review IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

---

<sup>4</sup> 47 U.S.C. § 155(c)(5).

<sup>5</sup> 47 C.F.R. § 1.115(g).