

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

In the Matter of)	
)	
ROGER WAHL)	MB Docket No. 21-401
)	
WQZS(FM), Meyersdale, PA)	Facility ID No. 57424
)	

ORDER

Issued: February 14, 2022

Released: February 14, 2022

1. The Presiding Judge has received an email communication related to the above-captioned proceeding from Ms. Julie Barth, who claims to hold an ownership interest in WQZS(FM). This proceeding is restricted for purposes of the Commission’s *ex parte* rules such that *ex parte* presentations to decision-making personnel are prohibited.¹ As Ms. Barth’s communication is not directed at the merits or outcome of this proceeding, however, it is not a “presentation” for purposes of the Commission’s *ex parte* rules.² Accordingly, the Presiding Judge has determined that her email will be treated as a petition to intervene in this proceeding pursuant to section 1.223(c) of the Commission’s rules.³ Ms. Barth’s email is being shared with the parties and will be placed into the record of this proceeding.

2. Section 1.223(c) requires that a person filing a petition to intervene later than 30 days after publication in the Federal Register of an order designating a matter for hearing is to show how his or her participation will assist the Commission in the determination of the issues in question.⁴ The prospective intervenor must also set forth any proposed issues in addition to those already designated for hearing and must explain why it was not possible to file a petition within 30 days of Federal Register publication. Grant of party status is within the discretion of the presiding officer, who may permit intervention limited to particular issues or a particular stage of the proceeding.

3. Ms. Barth’s primary aim is to inform the Presiding Judge of her alleged ownership interest, with the ultimate goal of receiving proportional compensation if the station is sold. She outlines the circumstances of how she came to acquire the alleged interest, along with other details regarding her financial stake in the station. Her knowledge of this proceeding is limited to what has been reported in local media.

4. The hearing designation order initiating this proceeding, along with the pending applications for assignment of WQZS(FM), indicate that the station is owned by Mr. Wahl in an individual capacity.⁵ The questions that have been designated to be answered in this hearing proceeding focus on whether Roger Wahl is qualified to remain a Commission licensee in light of his felony

¹ 47 CFR §1.1208.

² 47 CFR §1.1202(a).

³ 47 CFR § 1.223(c).

⁴ This matter was noticed in the Federal Register on Oct. 29, 2021.

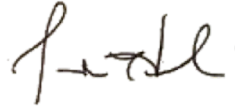
⁵ *In the Matter of Roger Wahl*, Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing, MB Docket No. 21-401, DA 21-1305 (rel. Oct. 19, 2021) (*Roger Wahl HDO*); FCC File No. BALH-20200305AAH. The assignment application is being held in abeyance pending the outcome of this proceeding. *Roger Wahl HDO* at 1 n.1.

conviction and related misdemeanor convictions.⁶ Ms. Barth has not offered information that will assist the Presiding Judge in making that determination. Moreover, it is not within the authority of the Presiding Judge to address the validity of her financial claims against Mr. Wahl. That is a matter for private litigation. Her allegations may, however, provide the basis for enlarging the issues to be considered in this proceeding, pursuant to section 1.229 of the Commission's rules, if further investigation indicates that Mr. Wahl has misrepresented the ownership status of WQZS to the Commission.⁷ If, in the course of discovery and prosecution of this hearing proceeding, additional evidence is introduced that warrants Ms. Barth being afforded party status, the Presiding Judge is open to considering taking that action upon appropriate motion.

5. Accordingly, **IT IS ORDERED** that the request to intervene in the hearing proceeding in MB Docket No. 21-401, submitted by Julie Barth on February 8, 2022, **IS DENIED**.

6. **IT IS FURTHER ORDERED** that the email communication sent from Julie Barth to Presiding Judge Jane Hinckley Halprin on February 8, 2022, **IS INCORPORATED** into the official record of MB Docket No. 21-401.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge

⁶ *Roger Wahl HDO* at para. 28.

⁷ 47 CFR § 1.229.