



Federal Communications Commission
Washington, D.C. 20554

January 6, 2012

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Re: Applications for Assignment of Share-Time
Licenses

Dear Counsel:

By this letter, we dismiss¹ 37 FCC Form 314 television license assignment applications seeking consent for assignee Urban Television LLC ("Urban") to acquire new share-time licenses pursuant to Section 73.1715 of the Commission's rules² that would authorize it to broadcast as a separate licensee on DTV channels currently licensed to certain subsidiaries of ION Media Networks, Inc. ("ION").³ We also

¹ 47 C.F.R. § 73.3564(b) ("[a]cceptance of an application for filing merely means that it has been the subject of a preliminary review...[s]uch acceptance will not preclude the subsequent dismissal of the application if it is found to be patently not in accordance with the FCC's rules."). See also *Coral Television Corporation*, Memorandum Opinion and Order, 84 FCC 2d 438, 442-443 (1981).

² 47 C.F.R. § 73.1715.

³ See File Nos. BALCT-20081118ALR *et al.* By Public Notices dated November 26, 2008, and December 22, 2008, respectively, the Media Bureau accepted the applications for filing and announced permit-but-disclose *ex parte* status. *TV Broadcast Applications Seeking Share-Time Licenses Authorizing Urban Television LLC to Broadcast on Channels Licensed to Subsidiaries of ION Media Networks, Inc.*, DA 08-2621 (released Nov. 26, 2008); *Media Bureau Announces Permit-But-Disclose Ex Parte Status for TV Broadcast Applications Seeking Share-Time Licenses Authorizing Urban Television LLC to Broadcast on Channels Licensed to Subsidiaries of ION Media Networks, Inc.*, 23 FCC Rcd 18214 (MB 2008).

dismiss all related petitions and pleadings. Because we are dismissing the applications, we will also dismiss as moot the request for mandatory cable carriage of the new Urban programming streams pursuant to Section 614(a) of the Communications Act of 1934 (the "Act").⁴

Applications which are "patently not in accordance with FCC rules, regulations and other requirements" are defective and "will be dismissed."⁵ By the applications, Urban is proposing to separate a multicast DTV channel currently controlled by ION and establish a new license for each programming stream. The proposal is not consistent with our licensing rules. As those opposing the applications have argued, Section 73.1715 of our rules, on which the proposal is based, contemplates share-time operations that involve primarily a division of time, not a division of spectrum and assignment of a portion of the spectrum to a new licensee. Since the applications were filed, channel sharing arrangements quite different from that proposed here have become the subject of an outstanding Notice of Proposed Rulemaking.⁶ Any departures from our current licensing rules with respect to channel sharing are properly the subject of that pending rulemaking proceeding.

Accordingly, **IT IS ORDERED**, That the applications seeking consent for assignee Urban Television LLC, to acquire new licenses authorizing it to broadcast on a portion of the spectrum licensed to certain stations controlled by ION Media Networks, Inc., **ARE DISMISSED**.

Sincerely,



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⁴ 47 U.S.C. § 614(a).

⁵ 47 C.F.R. § 73.3566.

⁶ *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498 (2010).

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