



Federal Communications Commission
Washington, D.C. 20554

January 11, 2016

Community Broadcast Group, Inc.
c/o Jeffrey L. Timmons, Esq.
974 Branford Lane, NW
Lilburn, GA 30047-2680

Novia Communications, LLC
c/o Mark B. Denbo, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, NW
Suite 301
Washington, DC 20016

Re: WMNT-CD, Toledo, OH
Facility ID No. 51913
File No. BALTTA-20141009AAD

Dear Counsel:

By a letter dated December 28, 2015, Community Broadcast Group, Inc. (CBG), the licensee of digital Class A station WMNT-CD, Toledo, Ohio, and proposed assignor of the station's license to Novia Communications, LLC (Novia) in the above-referenced application, notified the Commission that it had exercised its right to terminate the Asset Purchase Agreement (APA) and requested that the Commission dismiss the application. On January 4, 2016, Novia filed an opposition to this request, stating that CBG's purported termination is unlawful and that, as a result, there is no basis for dismissal of the application.

The validity of CBG's termination of the APA is a private contractual dispute between the parties that should be resolved in a civil court. This decision is consistent with Commission precedent, which has sought to "reach a fair accommodation between [the Commission's] exclusive authority over licensing matters and the authority of state and local courts through procedures that defer contractual matters to courts to decide under state and local law."¹ We see no reason to depart from that principle here.

As a result of CBG's termination, there is no executed contract for the sale of the station's license, and we no longer have a valid application pending before us. Accordingly, the application is

¹ S.A. Dawson, *Memorandum Opinion and Order*, 17 FCC Rcd 472, 474 n.15 (WTB 2002).

dismissed. Any and all pleadings filed against the application are likewise dismissed, as moot.

Sincerely,



David J. Brown
Deputy Chief, Video Division
Media Bureau

cc: Davina Sashkin, Esq.