

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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|--|---|---------------------------------|
| In the Matter of |) | |
| |) | |
| ENTERTAINMENT MEDIA TRUST, |) | MB Docket No. 19-156 |
| DENNIS J. WATKINS, TRUSTEE |) | |
| |) | |
| Applications to Renew License: |) | |
| |) | |
| KFTK(AM) (formerly WQQX(AM)), East St. |) | Facility ID No. 72815 |
| Louis, Illinois |) | File No: BR-20120709ACP |
| |) | |
| WQQW(AM), Highland, Illinois |) | Facility ID No. 90598 |
| |) | File No. BR-20120709AC0 |
| |) | |
| KZQZ(AM), St. Louis, Missouri |) | Facility ID No. 72391 |
| |) | File No. BR-20120921AAW |
| |) | |
| KQQZ(AM), DeSoto, Missouri |) | Facility ID No. 5281 |
| |) | File No. BR-20120921ABA |
| |) | |
| Application for Consent to Assignment of |) | |
| Licenses: |) | |
| |) | |
| KFTK(AM) (formerly WQQX(AM)), East St. |) | Facility ID No. 72815 |
| Louis, Illinois |) | File No: BAL-20160919ADH |
| |) | |
| WQQW(AM), Highland, Illinois |) | Facility ID No. 90598 |
| |) | File No. BAL-20160919ADI |
| |) | |
| KZQZ(AM), St. Louis, Missouri |) | Facility ID No. 72391 |
| |) | File No. BAL-20160919ADJ |
| |) | |
| KQQZ(AM), DeSoto, Missouri |) | Facility ID No. 5281 |
| |) | File No. BAL-0160919ADK |
| |) | |
| Application for Permit to Construct New Station: |) | |
| |) | |
| W275CS, Highland, Illinois |) | Facility ID No. 200438 |
| |) | File Nos. BNPFT-20170726AEF and |
| |) | BNPFT-20180314AAO |
| |) | |

PETITION FOR LEAVE TO INTERVENE

Donald M. Samson (“Trustee”), court-appointed Chapter 7 trustee of Entertainment Media Trust, Dennis J. Watkins, Trustee (“EMT”), hereby petitions to intervene in the above captioned proceeding pursuant to 47 CFR §1.223(c), and as grounds therefore would state:

1. Trustee was appointed as Chapter 7 trustee of EMT on September 11, 2019, under Case No: 19-31224-lkg before the Honorable Laura K. Grandy in the United States Bankruptcy Court for the Southern District of Illinois (the “*Bankruptcy Proceeding*”), See Attached **Exhibit “A”**.

2. Trustee filed, under Application for Consent to the Transfer of Control of Broadcast Licenses File Number BTC-20190916AAA, and has been granted by the FCC Media Bureau on October 11, 2019, consent to the involuntary transfer of control of EMT, the FCC licensee of the broadcast licensees subject to this proceeding. See attached **Exhibit “B”**.

3. Pursuant to Paragraph 18 of the *Order* dated October 4, 2019 in this proceeding, Trustee is filing herewith its Petition for Leave to Intervene in this proceeding as he is now the party which controls the licensee, EMT, and therefore its FCC licenses, and is charged with the orderly collection and liquidation of the assets of EMT in the *Bankruptcy Proceeding*. Trustee is now a necessary party to this proceeding whose participation will assist the Commission in the determination of the issues in question, as Trustee is now vested with control and disposition of EMT and the subject licenses.

4. Trustee has, pursuant to his responsibilities in the *Bankruptcy Proceeding*, identified two *bona fide* interested buyers of the assets of EMT and will be selecting a successful bidder, contracting with same with the approval of the Court in the *Bankruptcy Proceeding*, and filing an application with the Media Bureau for consent to the assignment of the EMT licenses

pursuant to the *Second Thursday* exception to the *Jefferson Radio* policy. These actions are all expected to occur within the next sixty (60) days.

5. Trustee respectfully suggests that proposed issues in this case in addition to those already designated for hearing should include the abeyance of discovery in this proceeding while the Trustee performs the tasks identified in Paragraph 4 above in order to allow the full Commission's consideration of a *Second Thursday* petition.

6. It was not possible for the Trustee to file this petition to intervene within the time prescribed by paragraphs (a) and (b) of 47 C.F.R. §1.223 because the Trustee was appointed in the Bankruptcy Proceeding after the time periods prescribed in those sections had expired.

7. An affidavit of the Trustee attesting to the matters contained in this Petition is attached hereto as **Exhibit "C"** as required by the applicable rule.

WHEREFORE, Trustee prays that it be granted this Petition to Intervene in the above captioned proceeding and be deemed to be the "Applicant" herein *nunc pro tunc* to September 11, 2019.

RESPECTFULLY SUBMITTED,

_____/s/
Davina Sashkin, Esq.
Fletcher Heald & Hildreth, PLC
1300 N. 17th Street, 11th Floor
Arlington, VA 22209
(703) 812-0458
sashkin@fhhlaw.com

_____/s/
Anthony Lepore, Esq.
Radiotvlaw Associates, LLC
4101 Albemarle Street NW #324
Washington, DC 20016-2151
(202) 681-2201
anthony@radiotvlaw.net

Dated: October 15, 2019

CERTIFICATE OF SERVICE

I, Davina Sashkin, hereby certify that on this 15th day of October, 2019, a copy of the foregoing Petition for Leave to Intervene was served by email on the following:

Jeffrey Gee, Esq.
Chief, Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Jeffrey.Gee@fcc.gov

Pamela Kane, Esq.
Investigations & Hearings Division
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445 12th Street SW
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445 12th Street SW
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Wilkinson Barker Knauer
1800 M Street, N.W., Suite 800N Washington, DC 20036
HLiberman@wbklaw.com
RKirk@wbklaw.com
Counsel for Mark Kern

Courtesy copies of the foregoing were also provided by email to the following:

The Honorable Jane Hinkley-Halprin
Office of Administrative Law Judges
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Jane.Halprin@fcc.gov

John B. Adams
Office of Administrative Law Judges
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
JohnB.Adams@fcc.gov

/s/ Davina Sashkin_____

EXHIBIT A

United States Bankruptcy Court
Southern District of Illinois

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 7 of the United States Bankruptcy Code, entered on 09/11/2019 at 1:15 PM and filed on 09/11/2019.

Entertainment Media Trust

100 W. Main Street
Belleville, IL 62223
Tax ID / EIN: 84-6639949



The case was filed by the debtor's attorney: The bankruptcy trustee is:

Jerry D Graham, Jr

JD Graham PC
1 Eagle Center
Suite 3A
O'Fallon, IL 62269
(618) 235-9800

Donald M. Samson

Chapter 7 Trustee
226 W Main St
Suite 102
Belleville, IL 62220
(618) 235-2226

The case was assigned case number 19-31224-lkg to Judge Laura K. Grandy.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://ecf.ilsb.uscourts.gov/> or at the Clerk's Office, 750 Missouri Ave, East St Louis, IL 62201.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Donna N Beyersdorfer
Clerk, U.S. Bankruptcy Court

EXHIBIT "B"



UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

(FOR CHIEF, AUDIO DIVISION, MEDIA BUREAU)

DATE: 10/11/2019

| | |
|---|---|
| <input type="checkbox"/> CONSENT TO ASSIGNMENT: <input checked="" type="checkbox"/> CONSENT TO TRANSFER: | FROM: DENNIS J. WATKINS, TRUSTEE TO: DONALD M. SAMSON, CHAPTER 7 TRUSTEE |
| Licensee/Permittee: ENTERTAINMENT MEDIA TRUST, DENNIS J. (for transfer only) WATKINS, TRUSTEE | |

| CLASS | CALL SIGN | FACILITY ID | FILE# | STATION LOCATION | AUXILIARY STATIONS |
|-------|-----------|-------------|-----------------|----------------------|--|
| AM | WQQW | 90598 | BTC-20190916AAA | HIGHLAND, IL | ALL CURRENTLY AUTHORIZED AUXILIARY STATIONS |
| AM | KZQZ | 72391 | BTC-20190916AAB | ST LOUIS, MO | |
| AM | KQQZ | 5281 | BTC-20190916AAC | FAIRVIEW HEIGHTS, IL | |
| AM | KFTK | 72815 | BTC-20190916AAD | EAST ST. LOUIS, IL | |

Commission records reflect that station WQQW(AM), Facility ID No. 90598, has been off the air since March 31, 2019. Therefore, the license for this station will expire as a matter of law if the station does not resume broadcast operations by April 1, 2020, 12:01AM. See Pub. Law No. 104-104, 110 Stat. 56, Sec. 403(l), codified at 47 U.S.C. Section 312(g).

Under authority of the Communications Act of 1934, as amended, the consent of the Federal Communications Commission is hereby granted to the transaction indicated above.

The Commission's consent to the above is based on the representations made by the applicants that the statements contained in, or made in connection with, the application are true and that the undertakings of the parties upon which this transaction is authorized will be carried out in good faith.

The actual consummation of voluntary transactions shall be completed within 90 days from the date hereof, and notice in letter form thereof shall promptly be furnished to the Commission by the seller or buyer showing the date the acts necessary to effect the transaction were completed. Upon furnishing the Commission with such written notice, this transaction will be considered completed for all purposes related to the above described station(s).

EXHIBIT "C"

Affidavit of Donald M. Samson, Trustee

State of Illinois

County of St. Clair

Before me, the undersigned authority, personally appeared DONALD M. SAMSON ("Affiant") who being by me first duly sworn, on oath deposes and says that:

1. That Affiant is familiar with the facts set forth in the foregoing Petition for Leave to Intervene and same are true and correct to the best of Affiant's knowledge.

The foregoing instrument was sworn to, subscribed and acknowledged before me this 11th day of October, 2019 by DONALD M. SAMSON, who is personally known to me or who has produced _____ as identification.

Tara Schaefer
(Signature of Notary Public)

Tara Schaefer
(Printed Notary Name)

