

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In the Matter of

Application for the Consent to the Assignment  
and/or Transfer of Control of Licenses

FCC APPLICATION BALH-20100422ADK (FILED APRIL 22<sup>ND</sup>)

**Champaign Partners, LLC**, licensee/assignor

**D.W.S., Inc/News Gazette.**, assignee

PETITION TO DENY TRANSFER / MOTION TO DISMISS

FILED BY CITIZENS OF ARCOLA CHAMPAIGN, URBANA, IL AND CITIZENS OF THE  
UNITED STATES OF AMERICA

i

APRIL 26, 2010

TABLE OF CONTENTS

SUMMARY .....	iii
INTRODUCTION .....	1
ARGUMENT .....	2
FINAL STATEMENT.....	3

1. THE ASSIGNOR CREATED A COLLUSIVE ENVIRONMENT IN SEEKING  
A QUICK TRANSACTION WITHOUT ALLOWING CONDITIONS FOR  
COMPETITIVE BIDS
  - A.
    1. Assignor Actions Surrounding the Proposed Transaction Eliminated or  
Reduced Competitive Bids
    2. Other Potential Assignee Parties Were Denied Access Due to Secretive  
and Collusive Bidding Process by Licensee

I. THE PUBLIC SERVICE OF A LICENSE ASSIGNEE MUST BE ASSURED

Applicants Intention To Complete Transaction Hampered By Market Conditions and Financial Ability

I. TRANSFER OF LICENSE IMPACTS SEGMENTS OF LOCAL COMMUNITY

I.

- A. Local Music Impact . . . . .2
- B. Local Schools.....2
- C. Local Advertising . . . . .2
- D. Market Newspaper Cross Ownership Monopoly.....2

SUMMARY

The Citizen Petitioners assert that the licensee/assignor did not properly open up a competitive bidding process to the public. As a public trustee holding an open public radio frequency and/or channel, the license holder must engage the interests of the community with service, such as a competitive bidding process, as dictated by the Federal Communications Commission (hereafter referred to as “the Commission”). A licensee must allow the public ample time to become involved in the open process of bidding on a station license once the licensee decides to sell the held license. In not opening the bidding process to the public, the licensee/assignor, **Champaign Partners**, has not allowed public entities in the community an opportunity to be selected as a competitor in the selection process nor the ability to bid. The licensee/assignor held a closed-process and did not allow a competitive situation to develop, counterintuitive to the interests of the community, the licensee itself, and potential assignors. Upon investigation you will also find that the current licensee Champaign Partners also does not have proper adequate staff or studios open to the public as required by FCC Law.

In not giving the public notice of a timetable for selection in a bidding process in which to engage in a competitive nature, the **Champaign Partners** eliminated the possibility of competition. As such, the Commission should delay or deny the proposed transaction until such time that the bidding process has been opened for all parties interested in bidding.

The Citizen Petitioners ask The Commission to further note that granting permission for the proposed transaction involving **WUIL-FM** would in kind jeopardize the competitive bidding process for future transactions of a similar nature, in all markets. Granting permission for the proposed transaction will also give **D.W.S. INC/News Gazette** a third radio frequency within the News Gazette newspaper city of publication. Champaign, Illinois. This transaction is prohibited by current FCC Broadcast ownership rules. WUIL-FM contours and service area encompasses all the city’s of publication of **News Gazette News Papers – Arcola-Savoy-Champaign-Urbana, Il**

## Introduction

The Citizen Petitioners include members of the metropolitan Champaign community and the national community, including members of the **Pendleton Broadcasting** (current LMA'ers of WUIL-FM) and employees of the licensee. The Commission is asked to investigate the actions of the Champaign Partners bidding process in detail before ruling upon the transaction on file with the FCC, known as **BALH-20100422ADK**.

The Citizen Petitioners further acknowledge that The Commission may legally place the proposed transaction on hold while conducting the proper investigation into the bidding process. As well as the potential monopoly that will result in **DWS News Gazette** acquiring **WUIL-FM**. It is expected that such an investigation would commence immediately, and be thorough so that the parties involved, the Champaign Partners and Gateway Creative Broadcasting, Inc. (hereafter known as "Gateway"), are given a chance to be vetted in the best interest of all in the community.

Acting immediately on this Petition to Deny, The Commission would allow investigators ample time to find the facts in this case before an expected transaction period has expired. The Citizen Petitioners believe The Commission should seek the facts in the bidding process to discover whether there has or has not been a process of collusion involving the licensee. If the investigation shows collusion, the Citizen Petitioners further request The Commission to exclude any person(s) involved in such collusion from future participation in the transaction process, including financial stipulations which may be hidden as "confidential".

### 1.

## Argument

### I.

The Citizen Petitioners' are seeking the truth about the collusive environment surrounding the transaction proposal. It appears that actions by the licensee/assignor left the community no chance for a competitive bidding process. Instead, the **Champaign Partners** closed the process, denying potential bidding parties' opportunities to be engaged in a competition. The assignor kept the process secretive until a time when an announcement was made about the pending transaction. This, in short, is collusion, and thus could and should render the pending transaction void.

### II.

The Commission, in order to ensure the public trust, does not automatically approve transactions from one party to another without checking disclosures of financial obligations. In this pending

transaction, the designated assignee, **DWS, News Gazette** must show that it is solvent in order to keep the public interest assured.

Current market conditions have made a substantial commercial loan difficult for the designated assignee to obtain. The Citizen Petitioners have reviewed some records of the designated assignee's financial reports and question the ability of News Gazette DWS to meet the proposed obligations of the transaction. Should the receiver/assignee be unable to pay due to financial hardship, forfeiture of the license could leave the community without an important FM signal. The Citizen Petitioners urge The Commission to review the financial records of the designated assignee before allowing approval of the proposed transaction.

### III.

The Citizen Petitioners further ask The Commission to review the impact upon the local and regional community in allowing the sale of **WUIL-FM** from **Champaign Partners** to **DWS NEWS GAZZETTE**. Currently WUIL-FM Is a Hits & Hip Hop format. It has been in this format and serving Arcola, Champaign, Urbana, Illinois for 2 years, 1 year under a LMA with **Pendleton Broadcasting**. **Champaign Partners** is conducting a quick sale to **DWS News Gazette** which will strengthen the Newspaper and Radio monopoly in the Champaign, Urbana Metro. Currently **DWS News Gazette** owns a Newspaper "**NEWS GAZZETTE**" and **WDWS & WHMS (AM & FM Radio Licenses)** .

Further, some of the current programming on **WUIL-FM** targets school-aged children, whom would also be impacted by the sale from the **Champaign Partners** to **DWS News Gazette**, thus eliminating a regularly programmed show that allows supports the youth organizations and the opportunity to perform for a radio audience, a one-of-a-kind chance for these children.

Advertisers who have consistently supported **WUIL-FM** will be impacted by a sale to **DWS News Gazette** because the loyal audience will not hear about their products: Radio ads will cease on 107.9 FM.

The transaction would also reduce the voices of station in our youth communities' effectiveness in advertising without a station targeting its audience.

### 2.

The Citizen Petitioners request that The Commission, upon receiving the results of the investigative process into the proposed transaction, deny the transaction or subject the licensee to further conditions including an open selection process in order to satisfy the community.

CITIZENS OF ARCOLA, CHAMPAIGN, URBANA, ILLINOIS

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