



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 18-213
March 6, 2018

**BORDER MEDIA LICENSES LLC SEEKS FOREIGN OWNERSHIP RULING PURSUANT TO
SECTION 310(b)(4) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED**

PLEADING CYCLE ESTABLISHED

MB Docket No. 18-66

Comments Due: April 5, 2018
Replies Due: April 20, 2018

I. INTRODUCTION

Border Media Licenses LLC (Petitioner) has filed a petition for declaratory ruling (Petition) with the Commission requesting that the Commission find, pursuant to Section 310(b)(4) of the Communications Act of 1934, as amended,¹ the Commission's recent *Foreign Ownership Order*,² and Section 1.5000(a)(1) of the FCC's rules,³ that it would serve the public interest to permit Border Media LLC, a New York limited liability company owned by a British member and a Polish member, to acquire a 100 percent voting and equity interest in Border Media Licenses LLC (BML), the proposed new licensee of WRGR(FM), Tupper Lake, New York.

The Petition is filed in connection with an application, filed on February 9, 2018, seeking Commission consent to the assignment of license of FM radio station WRGR(FM) from Radio Lake Placid, Inc. to BML.⁴ The proposed new licensee, BML, a New York limited liability company, is 100 percent owned by Border Media LLC, which, in turn, is owned by two foreign members: Ricki Lee Shorthose, a citizen of the United Kingdom (50 percent voting and equity interest), and Hanna Kaleta, a citizen of Poland

¹ 47 U.S.C. § 310(b)(4); *see also Commission Policies and Procedures Under Section 310(b)(4) of the Communications Act, Foreign Investment in Broadcast Licensees*, Declaratory Ruling, 28 FCC Rcd 16244 (2013).

² *Review of Foreign Ownership Policies for Broadcast, Common Carrier, and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Report and Order, 31 FCC Rcd 11272 (2016) (*Foreign Ownership Order*).

³ 47 CFR § 1.5000(a)(1).

⁴ *See* File No. BALH-20180209ABO.

(50 percent voting and equity interest).⁵ The Petitioner asserts that grant of the Petition would serve the public interest because it would encourage foreign investment and ownership diversity and promote broadcast service to the small community of Tupper Lake, New York.⁶

In support of the Petition, BML notes that for almost 18 years Managing Member Ricki Lee Shorthose has been working in various aspects of the radio business, including positions as senior producer and program director for radio stations⁷ and co-founder of Aiir, an audio tech company that provides “radio stations with digital tools to manage content on their websites, mobile apps and social media with studio interaction.”⁸ The Petitioner explains that Mr. Shorthose and his wife, Hanna Kaleta, moved to New York in 2015 to grow the company’s North American business.⁹ In December 2017, Mr. Shorthose and Ms. Kaleta co-founded BML for the “purpose of investing in one or more U.S. broadcast stations.”¹⁰ The Petitioner maintains that ownership by citizens of the United Kingdom and Poland, “who have been model residents of the United States for the past three years,”¹¹ would not implicate any national security or other threat to the United States, given that “these countries are among our most steadfast allies and share many of our cultural traditions.”¹² Finally, the Petitioner asserts that grant of the Petition would further the public interest by encouraging foreign investment and ownership diversity in U.S. broadcast stations while also “strengthening the broadcast industry, particularly within the Tupper Lake, New York, community where broadcasting service is desperately needed.”¹³

II. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission’s rules,¹⁴ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission’s rules.¹⁵

Parties making oral *ex parte* presentations are directed to the Commission’s *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely list the subjects discussed.¹⁶ More than a one- or two-sentence description of the views and

⁵ Ricki Lee Shorthose and Hanna Kaleta are husband and wife. *See* Petition at 1.

⁶ Petition at 2.

⁷ According to the Petitioner, Mr. Shorthose, who holds a Bachelor’s degree in radio and television broadcasting technology, has held the following positions: Senior Producer for Bauer Media in Sheffield; Deputy Programme Controller for a radio station owned by Canwest in Bristol, England; and Programme Director for JACK FM and Star Radio for Tomahawk Radio and later Celador Radio in Bristol. *See* Petition at 3.

⁸ *Id.*

⁹ Mr. Shorthose and Ms. Kaleta have been living in the United States since 2015 on E-2 investor visas. *See* Petition at 2.

¹⁰ *Id.*

¹¹ *Id.* at 4.

¹² *Id.* at 2.

¹³ *Id.* at 4.

¹⁴ 47 CFR § 1.1200(a).

¹⁵ 47 CFR § 1.1206.

¹⁶ *See* 47 CFR § 1.1206(b)(1).

arguments presented is generally required.¹⁷ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.¹⁸

III. GENERAL INFORMATION

The Petition has been found, upon initial review, to be acceptable for filing. The Commission may require BML to submit additional documents or statements of fact that in its judgment may be necessary, or to amend the underlying application so as to make it “more definite and certain.”¹⁹ The Commission also reserves the right to return the Petition if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules or policies.

Interested parties must file comments no later than April 5, 2018. Persons and entities that file comments become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Replies to such pleadings must be filed no later than April 20, 2018. All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 18-66.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.²⁰ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Under the Commission’s current procedures for the submission of filings and other documents,²¹ submissions in this matter may be filed electronically through the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.

- **If filed by ECFS,**²² comments shall be sent as an electronic file via the Internet to <http://apps.fcc.gov/ecfs>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number.
- **If filed by paper,** the original and one copy of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. Eastern Time (ET). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes

¹⁷ See *id.*

¹⁸ 47 CFR § 1.1206(b).

¹⁹ 47 CFR § 73.3514(b); see also *BBC License Subsidiary, L.P.*, Order, 10 FCC Rcd 2458, 2461 (MMB 1994).

²⁰ See 47 CFR § 1.45(c).

²¹ See *FCC Announces Change in Filing Location for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

²² See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Albert Shuldiner, Audio Division, Media Bureau, at albert.shuldiner@fcc.gov (202) 418-1410 (facsimile); (2) Lisa Scanlan, Audio Division, Media Bureau, at lisa.scanlan@fcc.gov (202) 418-1410 (facsimile); (3) Rolanda F. Smith, Audio Division, Media Bureau, at rolanda-faye.smith@fcc.gov or 202 418-1410 (facsimile); and (4) Amy Van de Kerckhove, Audio Division, Media Bureau, at amy.vandekerckhove@fcc.gov or (202) 418-1410 (facsimile). Any submission that is e-mailed to Albert Shuldiner, Lisa Scanlan, Rolanda F. Smith, and Amy Van de Kerckhove should include in the subject line of the e-mail: (1) MB Docket No. 18-66; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (*e.g.*, MB Docket No. 18-66, [name of submitting party], Comments).

Copies of the Petition and any subsequently-filed documents in this matter are available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. In addition, the Petition is available electronically through the Media Bureau's Consolidated Database System (CDBS), which may be accessed on the Commission's Internet website.²³

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov; phone: (202) 418-0530 or TTY: (202) 418-0432.

For further information, contact Rolanda F. Smith, Audio Division, Media Bureau, at (202) 418-2054, Lisa Scanlan, Audio Division, Media Bureau, at (202) 418-2700, or Amy Van de Kerckhove, Audio Division, Media Bureau, at (202) 418-2726. Press inquiries should be directed to Janice Wise, Media Bureau, (202) 418-8165, TTY: (888) 835-5322.

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²³ Petitioner filed the Petition with the Office of the Secretary and as an exhibit to the assignment of license application. *See* File No. BALH-20180209ABO.