

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)	
	)	
BLUE RIDGE FREE MEDIA	)	File No. 0000072621
For Renewal of License of	)	Facility ID No. 192547
WXRK-LP, Charlottesville, VA	)	
	)	
AIR MIX VIRGINIA	)	File No. 0000073441
For Renewal of License of	)	Facility ID No. 193001
WVAI-LP, Charlottesville, VA	)	
	)	
PROMISE LAND COMMUNICATIONS	)	File No. 0000073463
For Renewal of License of	)	Facility ID No. 192897
WPVC-LP, Charlottesville, VA	)	
	)	
GENESIS COMMUNICATIONS, INC.	)	File No. 0000072618
For Renewal of License of	)	Facility ID No. 194996
WREN-LP, Charlottesville, VA	)	
	)	
GATEWAY MEDIA, INC.	)	File No. 0000072619
For Renewal of License of	)	Facility ID No. 192447
WKMZ-LP, Ruckersville, VA	)	

To: Office of the Secretary  
Attention: Audio Division, Media Bureau

**CONSOLIDATED PETITION TO DENY**

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September 3, 2019

**TABLE OF CONTENTS**

Summary ..... ii

Standing ..... 2

The LPFM Stations are Operating Illegally and Have Been for Significant Periods ..... 3

Illegal Operating Agreement..... 3

Broadcasting Commercial Announcements..... 8

Blue Ridge Free Media – WXRK-LP ..... 9

Air Mix Virginia – WVAI-LP ..... 10

Promise Land Communications – WPVC-LP ..... 12

Genesis Communications – WREN-LP ..... 13

Gateway Media, Inc – WKMZ-LP ..... 15

The Renewal Applications Should be Dismissed or Denied for Violation of Section 399b  
Of the Act .....17

False Certifications ..... 17

Penalty—The Renewal Applications Must Be Denied or Dismissed ..... 21

Conclusion and Request for Relief..... 22

## SUMMARY

The license renewal applications (“Applications”) filed by the low power FM stations (“LPFM Stations”) set forth in the caption cannot be granted because the LPFM stations have, during their most recent license term, engaged in the following violations of the Communications Act of 1934, as amended, as well as the FCC rules and policies promulgated thereunder: (1) the LPFM Stations are parties to a prohibited operating agreement or management agreement; (2) the LPFM Stations are regularly broadcasting commercial announcements; (3) two of the LPFM Stations are simulcasting programs; and (4) the applications are rife with false certifications. All of these activities constitute a pattern of abuse and disqualify the renewal applicants from continuing as the holders of the licenses for the LPFM Stations. In addition, the LPFM Stations have not served the public interest, convenience, and necessity. Accordingly, the renewal applications cannot be granted. The Commission should designate the Applications for an evidentiary hearing, and upon its conclusion, deny them.

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**CONSOLIDATED PETITION TO DENY**

Tidewater Communications, LLC (“Tidewater”)<sup>1</sup> by its attorneys and pursuant to Section 309(d) and (k)(1) of the Communications Act of 1934, as amended (“Act”), hereby respectfully files this Consolidated Petition to Deny (“Petition”) the above-captioned applications (“Applications”) for renewal of the licenses of five low power FM radio stations (“LPFM Stations”) licensed to serve Charlottesville, Virginia, and nearby Ruckersville, Virginia. The Applications were filed by (1) Blue

Ridge Free Media (“BRFM”), licensee of WXRK-LP, Charlottesville; (2) Air Mix Virginia (“AMVI”), licensee of WVAI-LP, Charlottesville; (3) Promise Land Communications (“PLC”), licensee of WPVC-LP, Charlottesville; (4) Genesis Communications, Inc. (“GCI”), licensee of WREN-LP, Charlottesville; and (5) Gateway Media, Inc. (“GMI”), licensee of WKMZ-LP, Ruckersville (collectively, “Renewal Applicants”). The Applications cannot be granted because: (1) the Renewal Applicants are parties to a prohibited operating agreement or management agreement; (2) the LPFM Stations are regularly broadcasting commercial announcements; (3) two of the LPFM Stations are simulcasting programs; (4) the Applications are rife with false certifications which disqualify the Renewal Applicants from continuing as the holders of the licenses for the LPFM Stations; and (5) the LPFM Stations have not served the public interest, convenience, and necessity. All of these activities violate the Act, FCC rules and policies. Taken together, these violations constitute a pattern of abuse that the Commission must not countenance.

As a result, Tidewater requests that Commission set the Applications for evidentiary hearing and, upon its conclusion, DENY the Applications.<sup>2</sup> In support of this Petition, the following is shown:<sup>3</sup>

### I. Standing

Tidewater has standing to file this Petition to Deny. The irreducible constitutional minimum

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<sup>1</sup> Tidewater is licensee of six commercial radio stations in the Charlottesville, Virginia, radio market: WWWV(FM), WINA(AM), WQMZ(FM), WVAX(AM), WCNR(FM) and WCVL-FM.

<sup>2</sup> Because these five LPFM Stations are inextricably interrelated, this Petition has been consolidated but a separate counterpart is being filed in the Licensing Management System against each application.

<sup>3</sup> This Petition is timely filed by September 3, 2019 the deadline for petitions to deny the applications for renewal of license. It is supported by the Declaration under Penalty of Perjury of Michael Chiumento, vice president of Tidewater and general manager of Tidewater’s commercial radio stations in the Charlottesville radio market.

of standing contains three elements: (a) injury in fact, (b) causation and (c) redressability.<sup>4</sup> That is, “to establish standing under Article III, a complainant must allege (1) a personal injury in fact that is (2) ‘fairly traceable’ to the defendant’s conduct and (3) redressable by the relief requested.”<sup>5</sup> In this case, as set forth in detail herein, Tidewater will suffer injury if the Commission grants the Applications and the parties continue to illegally operate the LPFM stations. Tidewater may suffer listener and advertising losses that would harm Tidewater from an economic perspective. The Commission can prevent this injury by denying the Applications. Therefore, Tidewater has shown with the required “substantial probability” that it has been injured, and that the FCC can redress the injury. *American Petroleum Inst. v. EPA*, 216 F. 3d 50, 63 (D.C. Cir. 1999).

## **II. The LPFM Stations Are Operating Illegally and Have Been for Significant Periods**

### **A. Illegal Operating Agreement.**

The LPFM Stations are not conforming to the educational purposes for which they were licensed, are broadcasting commercial announcements, and Station WREN-LP and Station WKMZ-LP are simulcasting programs. In addition, the LPFM Applicants are all parties to an operating or management agreement which is prohibited by Section 73.860(e) of the Commission’s Rules.<sup>6</sup>

It is unquestioned that all of the LPFM Stations are marketed together by an entity known as

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<sup>4</sup> *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992).

<sup>5</sup> *Microwave Acquisition Corp. v. FCC*, 330 U.S. App. D.C. 340, 145 F.3d 1410, 1412 (D.C. Cir. 1998) (quoting *SunCom Mobile & Data, Inc. v. FCC*, 318 U.S. App. D.C. 377, 87 F.3d 1386, 1387-88 (D.C. Cir. 1996) (quoting *Branton v. FCC*, 301 U.S. App. D.C. 244, 993 F.2d 906, 908 (D.C. Cir. 1993) (quoting *Allen v. Wright*, 468 U.S. 737, 751, 82 L. Ed. 2d 556, 104 S. Ct. 3315 (1984))), cert. denied, 511 U.S. 1052, 128 L. Ed. 2d 338, 114 S. Ct. 1610 (1994)).

<sup>6</sup> Section 73.860(e) of the Rules provides in pertinent part:

No LPFM licensee may enter into an operating agreement of any type, including a time brokerage or management agreement, with either a full power broadcast station or another LPFM station.

See also *In re Creation of a Low Power Radio Service (Fifth Order on Reconsideration and Sixth Report and Order)*, 27 FCC Rcd 15402 (2012).

“Experience Media.”<sup>7</sup> Attachment 1 is a copy of promotional literature on the letterhead of Experience Media, LLC, which includes a “rate card”<sup>8</sup> showing the cost of advertising on four of the five LPFM Stations.<sup>9</sup> The material shows that the LPFM Stations are engaged in a forbidden management agreement, which the Renewal Applicants call “an umbrella group.” No matter what it is called, such an arrangement violates Section 73.860(e) of the Rules.

The sales promotional literature proclaims, “Our stations are broadcast from the 250-foot monopole beside the Fashion Square Mall. With a transmitter output power of 108 watts and a height of over 830 feet above sea level, our signals reaches [sic] almost ANY radio in Charlottesville and nearby populated areas of Albemarle County loud and clear. Excellent car reception is also possible into parts of Greene and Fluvanna counties.” [Emphasis added]. The use of the possessive pronouns is unmistakably a reference to common ownership or common management of the LPFM Stations.

Attachment 3 is an excerpt from the website maintained for WREN-LP (979WREN.ORG). It includes the following:<sup>10</sup>

Other Charlottesville Radio Coop members include Rock Hits 92.3 WXRK, Progressive Talk 94.7 WPVC, and Hip-Hip [sic] and R&B WVAI.  
\*\*\*

While the resulting stations are each independently owned and operated, to save on expenses, an umbrella group was founded called the “Virginia Radio Coop” to divide office and transmitter site rent, office, and some other technical expenses. The Coop and all four stations (WREN, WXRK, WVAI, and WPVC) are located in the Seminole

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<sup>7</sup> Attachment 2 is a copy of pages printed from the Virginia State Corporation Commission website showing that Experience Media, LLC, has a status of “Canceled,” but two other entities, Experience Media Sales LLC and Experience Media Group LLC, have a status of “Active.”

<sup>8</sup> According to Wikipedia, A rate card is a document containing prices and descriptions for the various ad placement options available from a service sector such as a media outlet.

<sup>9</sup> The fifth LPFM Station, WKMZ-LP, simulcasts WREN-LP so, presumably, the station is not listed on the rate card.

<sup>10</sup> Arrows have been added to direct the reader’s attention to the quoted material.

Square Shopping Center in Charlottesville.

\*\*\*

WKMZ remained the call sign of our Ruckersville simulcast partner which is on 96.5 FM.

In order to form the Virginia Radio Coop, there must be an agreement, whether written or oral, among the LPFM Stations. Such management agreement or operating agreement is prohibited by Section 73.860(e) of the Commission's rules.

In addition, four of the LPFM Stations operate from one antenna site, *i.e.*, Antenna Structure Registration Number 1017972. Again, an operating or management agreement among the LPFM Applicants was required to secure space on this tower, which Commission records show is owned by Central Telephone Company. An operating or management agreement, which is strictly forbidden by Section 73.860(e) of the Rules, was also required to reach a lease for office and transmitter facilities and office and other technical expenses.

The Commission felt strongly about prohibiting such agreements. In *Matter of Creation of Low Power Radio Service*, ¶ 30<sup>11</sup> the Commission stated:

We have also decided to prohibit operating agreements in any form, including time brokerage agreements, local marketing or management agreements, and similar arrangements, between full power broadcasters and LPFM broadcasters, or between two or more low power licensees, as suggested by UCC, et al. [fn omitted] As noted above, many commenters strongly oppose allowing any form of operating agreement that would dilute new ownership in the low power service. We are concerned that such agreements too readily could undermine the strict cross-ownership restriction adopted by allowing an ineligible entity to program or manage an LPFM station.

Such appears to be the case here. There is evidence that "Experience Media Sales, LLP" is such an "ineligible entity." One of the air personalities on WREN-LP, who goes by the air name of "Mike McB," is in fact Michael Edge McBlair, the organizer, owner and operator of Experience



Media Sales, LLC.<sup>12</sup> Although the website claims that the stations are “independently owned and operated,” and the sales promotional literature pays lip service to the requirements of non-commercial radio as “viable for advertising,” the reality is that this is merely an elaborate sham designed to give the appearance of compliance with the Commission’s rules and policies, while operating a commercial enterprise.<sup>13</sup> The commercial announcements set out in detail below are prohibited from being broadcast on any LPFM station.

The rate card included in **Attachment 1** supplies the most compelling evidence that the LPFM Stations are operating in concert and selling advertising. The rate card indicates that an advertiser may buy advertising on WXRK “Rock Hits 92.3 (Alt/Active Rock)”, WVAI “101 Jamz (Hip-Hop & R&B)”, WREN “Real Oldies 97.9,” and WPVC Progressive Talk 94.7\*” The asterisk informs the advertiser that a talk format is broadcast “9A-7P Mon-Fri; replayed 9P-6A” that “Hispanic Pop” is broadcast “7-9 PM M-F; N-6 Sat/Sun.” and that WPVC broadcasts “EDM (Electronic Dance Music); 9P-&A Fri-Sun.” Spot rates and classes of time are specified for each station. In addition, the promotional information advertises “Web placement: Negotiable on request.”

The LPFM Stations’ websites (WVAI-LP - [101jamz.com](http://101jamz.com), WXRK-LP - [923xrk.org](http://923xrk.org), WPVC-LP - [947wpvc.org](http://947wpvc.org), WREN-LP and WKMZ-LP – [979wren.org](http://979wren.org)) set forth program schedules. The

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<sup>11</sup> 15 FCC Rcd 2205 (2000).

<sup>12</sup> The Experience Media, LLC website, *supra*, states: “Experience Media Sales, LLC, is owned and operated by Mike McBlair. Mike is the morning personality on Real Oldies 97.9 WREN under the moniker “Mike McB.”

<sup>13</sup> One example of the linkage between the LPFM Applicants can be found in **Attachment 4**, a copy of a Statement of Change of Registered Office of The Virginia Radio Coalition Limited Liability Company (LLC), which is indexed in the Virginia State Corporation Commission records as “Virginia Radio Coop,” a fictitious name. The registered agent for the LLC was Jeffrey T. Lement, president and board member of PLC; while the new registered agent is listed as Sharon Hall, who is listed as an officer of GCI.

links below take the reader to a site where the entire contents of the websites may be viewed as a PDF document:

WVAI-LP --

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3Aea8037d3-2ffc-4ffb-8a90-afbeaa5a4f3d>

WXRK-LP --

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3A8f497300-a874-42b4-9c3d-19126f572fb3>

WPVC-LP--

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3A929a18c4-868d-47fc-ac20-4fd78ad57546>

WREN-LP and WKMZ-LP--

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3A3cc061fb-1bd6-4bb7-a259-b39e6a015c8f>

In virtually every case, LPFM Stations feature music only or, in the case of WPVC-LP, progressive talk broadcasts from network sources (e.g., *Democracy Now*, which is syndicated by Pacifica Radio, which is the licensee of several full-power noncommercial broadcast stations and FM translator stations.)

The following websites provide information on the Virginia Radio Coop and Experience Media, LLC, the sales arms of the LPFM stations:

Virginia Radio Coop--In order to view the following website, click on "Radio Coop" at:

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3A916986b0-971c-46f4-afd7-db76950660d1>

Experience Media, LLC--In order to view the following website, click on "Experience Media Sales.pdf" at:

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Ascds%3AUS%3A6befc7f0-a7f1-4e32-97ca-d9eaa029e7a0>

An undeniable example of the existence of a prohibited operating or management agreement is the simulcast operation of WREN-LP and WKMZ-LP. In the recordings submitted herewith, the

stations are heard jointly identifying as “WREN-LP and WKMZ-LP.” As noted, *supra*, the WREN-LP website confirms: “WKMZ remained the call sign of our Ruckersville simulcast partner which is on 96.5 FM.” [Emphasis supplied.]

### **B. Broadcasting Commercial Announcements**

The purpose of the Virginia Radio Coop is the sale of commercial advertising on all five of the LPFM Stations. Many of the announcements exceed the Commission’s guidelines for noncommercial educational stations’ underwriting acknowledgments.

The Commission expects broadcasters to exercise reasonable, “good faith” judgment in this area.<sup>14</sup> The subject commercial announcements made on behalf of advertisers exceed the bounds of what is permissible under Section 399b of the Act and the Commission’s pertinent rules and policies under the “good-faith” discretion afforded licensees under *Xavier*, because they encourage listeners to patronize the for-profit underwriters’ services or businesses, or otherwise describe the underwriters in prohibited comparative, qualitative terms, and were made in exchange for consideration. The commercial announcements set forth herein offer textbook examples of what may not be broadcast. Advertisements are defined by the Act as program material broadcast “in exchange for any remuneration” and intended to “promote any service, facility, or product” of for-profit entities.<sup>15</sup> LPFM stations, such as those licensed to Renewal Applicants, are governed by the rules pertaining to the noncommercial educational service, and may not broadcast advertisements.<sup>16</sup> Although contributors of funds to noncommercial stations may receive on-air acknowledgments, the

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<sup>14</sup> See *Xavier University*, Memorandum Opinion and Order, 5 FCC Rcd 4920 (1990) (“*Xavier*”).

<sup>15</sup> 47 U.S.C. §399b(a).

<sup>16</sup> See 47 C.F.R. § 73.801 (applying Section 73.503 of the Commission’s rules to LPFM stations); see also 47 U.S.C. § 399b(a).

Commission has unequivocally stated that such acknowledgments may be made for identification purposes only, and should not promote the contributors' products, services, or business.<sup>17</sup> Specifically, such announcements may not contain comparative or qualitative descriptions, price information, calls to action, or inducements to buy, sell, rent, or lease.<sup>18</sup>

Specific violations by each station are discussed below.

### 1. Blue Ridge Free Media – WXRK-LP

The license for WXRK-LP is held by BRFM. BRFM represented in response to Question 2 and Exhibit 2 of FCC Form 318, its application for construction permit (BNPL-20131113AXE), that BRFM is a “NONSTOCK, NONPROFIT CORPORATION ELIGIBLE FOR AN LPFM AUTHORIZATION.” LPFM stations may only be authorized to such organizations and must broadcast a noncommercial educational format. In Exhibit 2 to its application for construction permit, BRFM described its educational program and purpose, in part, as follows:<sup>19</sup>

BLUE RIDGE FREE MEDIA IS AN ORGANIZATION FORMED TO EDUCATE, AND TO BUILD AND STRENGTHEN COMMUNITY VALUES BY BRINGING UN- AND UNDER- REPRESENTED MUSIC, CULTURAL, SPORTS, AND OTHER PROGRAMMING TO THE AIR IN THE CHARLOTTESVILLE, VIRGINIA AREA. WITH ITS STAFF, WHICH INCLUDES PROFESSIONAL BROADCASTERS AND EDUCATORS, IT SEEKS TO PROVIDE VOLUNTEER, TRAINING, AND EMPLOYMENT OPPORTUNITIES ESPECIALLY, BUT NOT EXCLUSIVELY, FOR THE AREA'S LARGE AND DIVERSE STUDENT POPULATION, WHICH HAS BEEN LARGELY FROZEN OUT OF SUCH OPPORTUNITIES BY STATIONS WHICH USED TO PROVIDE THEM. THE LPFM STATION WILL BE A DIRECT COMMUNITY OUTLET AND TRAINING FACILITY

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<sup>17</sup> See *In the Matter of the Commission Policy Concerning the Noncommercial Nature of Educational Broadcasting Stations*, Public Notice (1986), *republished*, 7 FCC Rcd 827 (1992).

<sup>18</sup> *Id.*

<sup>19</sup> In its application for license (FCC File No. BLL-20151002AAA), BRFM certified that: “apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application now being incorrect.”

TO SERVE THE EDUCATIONAL GOALS ARTICULATED ABOVE.

However, monitoring of WXRK-LP reveals that the station is consistently broadcasting alternative rock/active rock music interspersed with commercial announcements in violation of Section 399b of the Act and Section 73.503 of the Commission's rules, 47 C.F.R. § 73.503. None of the lofty goals articulated above are being served. BRFM is violating the pertinent statutory and Commission underwriting rule provisions.

Attachment 5 consists of transcripts of commercial announcements broadcast on August 23, 24 and 26, 2019, on WXRK-LP.<sup>20</sup> The announcements contain calls to action, e.g, they invite listeners in to see cars, buy food, and to take other actions.

In addition, as explained in more detail, *infra* (at Section III.A), it appears that BRFM has made material misrepresentations in its application for construction permit and application for license as to the educational purpose for which it would use the LPFM station.

## 2. Air Mix Virginia – WVAI-LP

The license for WVAI-LP is held by AMVI. AMVI represented in response to Question 2 and Exhibit 2 of FCC Form 318, its application for construction permit (BNPL - 20131113AVS), that AMVI is a “NONSTOCK, NONPROFIT CORPORATION FORMED FOR EDUCATIONAL PURPOSES.” LPFM stations may only be authorized to such organizations and must broadcast a noncommercial educational format. In Exhibit 2 to its application for construction permit, AMVI described its educational program and purpose, in part, as follows:<sup>21</sup>

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<sup>20</sup> Attachment 5 is supported by the declaration of Michael Chiumento, Tidewater Vice President, who oversaw the monitoring of the LPFM Stations and the preparation of the transcripts.

<sup>21</sup> In its application for license (FCC File No. BLL-20150921ADG), AMVI certified that: “apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application now being incorrect.”

AIR MIX VIRGINIA IS A NON-STOCK (NON-PROFIT) CORPORATION FORMED FOR EDUCATIONAL PURPOSES. AIR MIX WILL PROVIDE MUSIC, ENTERTAINMENT, AND CULTURAL PROGRAMMING TO A PRESENTLY UNSERVED AUDIENCE IN THE CHARLOTTESVILLE, VIRGINIA MARKET. THESE ACTIVITIES WILL BE FACILITATED THROUGH OFFERING TRAINING AND PARTICIPATION OPPORTUNITIES TO MEMBERS OF THE COMMUNITY WITH AN INTEREST IN COMMUNICATIONS AND PUBLIC SERVICE IN A NON-COMMERCIAL ENVIRONMENT. INTERESTED PARTIES CAN EXPECT HANDS-ON EXPOSURE AND TRAINING IN ALL AREAS OF LOCAL BROADCASTING INCLUDING ANNOUNCING, NEWS GATHERING AND DELIVERY, TRAFFIC, PRODUCTION, MANAGEMENT, PUBLIC AFFAIRS, AND COORDINATION WITH SOCIAL MEDIA. AIR MIX VIRGINIA DIRECTORS BRING MORE THAN FORTY YEARS OF LOCAL RADIO EXPERIENCE TO THE PROPOSED ENTITY INCLUDING THE ESTABLISHMENT AND IMPLEMENTATION OF HIGHLY SUCCESSFUL INTERNSHIP PROGRAMS. WE EXPECT LOCAL RECRUITS TO PLAY A VITAL ROLE IN THE OPERATION.

THE LPFM STATION BEING APPLIED FOR WILL SERVE THESE PURPOSES BY PROVIDING OPPORTUNITIES FOR COMMUNITY INVOLVEMENT IN THE DEVELOPMENT OF UNIQUE NON-COMMERCIAL PROGRAMMING, TRAINING IN RADIO OPERATIONS AND PRODUCTION, AND JOURNALISM AT THE LOCAL LEVEL.

However, monitoring of WVAI-LP reveals that the station is consistently broadcasting Hip-Hop and Rhythm and Blues music interspersed with commercial announcements in violation of Section 399b of the Act and Section 73.503 of the Rules. None of the lofty goals articulated above are being served. AMVI is violating the pertinent statutory and Commission underwriting rule provisions.<sup>22</sup>

Attachment 6 consists of transcripts of commercial announcements broadcast on August 23, 26 and 27, 2019, on WVAI-LP.<sup>23</sup> The announcements contain calls to action, e.g, they invite listeners in to see cars, buy food, and to take other actions. AMVI is operating its LPFM station as a

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<sup>22</sup> See the discussion of the Commission's prohibition of broadcasting commercial announcements *supra* with respect to WXRK-LP, which is incorporated by reference with respect to WVAI-LP.

commercial radio station which is prohibited by Section 399b of the Act and the Commission's Rules. The announcements all far exceed the Commission's guidelines for noncommercial educational stations' underwriting acknowledgments.

In addition, as explained in more detail, *infra* (at Section III.A), it appears that AMVI has made material misrepresentations in its application for construction permit and application for license as to the educational purpose for which it would use the LPFM station.

### **3. Promise Land Communications – WPVC-LP**

The license for WPVC-LP is held by PLC. PLC represented in response to Question 2 and Exhibit 2 of FCC Form 318, its application for construction permit (BNPL-20131113AXX), that PLC is a “NONSTOCK, NONPROFIT CORPORATION ELIGIBLE FOR AN LPFM AUTHORIZATION.” LPFM stations may only be authorized to such organizations and must broadcast a noncommercial educational format. In Exhibit 2 to its application for construction permit, PLC described its educational program and purpose, in part, as follows:<sup>24</sup>

PROMISE LAND COMMUNICATIONS EDUCATIONAL PURPOSE IS TO BUILD COMMUNITY BY PROVIDING VOICE AND VITAL INFORMATIN [sic] TO UNREPRESENTED PERSONS. PROMISE LAND IS A PROFESSIONALLY-LED VOLUNTEER ORGANIZATION WHICH SEEKS TO BRING TO THE AIR HIGH-QUALITY INFORMATIONAL PROGRAMS TO EDUCATE THE PUBLIC ON SOCIAL JUSTICE, ENVIRONMENTAL, AND COMMUNITY DEVELOPMENT ISSUES AND NOT CURRENTLY AVAILABLE TO THE PUBLIC IN ITS SERVICE AREA.

TO MEET THESE OBJECTIVES, THE ORGANIZATION WILL USE ITS LPFM STATION TO TRAIN YOUNG PEOPLE, WOMEN, AND MINORITIES

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<sup>23</sup> Attachment 6 is supported by the declaration of Michael Chiumento, Tidewater Vice President, who oversaw the monitoring of the LPFM Stations and the preparation of the transcripts.

<sup>24</sup> In its application for license (FCC File No. BLL-20151014AEV), PLC certified that: “apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application now being incorrect.”

IN BROADCASTING, THEREBY ADDRESSING LOCAL NEEDS FOR CAREER OPPORTUNITIES IN BROADCAST MANAGEMENT, PROGRAM PRODUCTION, AND JOURNALISM. FURTHER, WE WILL PROVIDE MUSIC AND ENTERTAINMENT PROGRAMMING NOT CURRENTLY AVAILABLE TO LOCAL THE AFRICAN-AMERICAN AND LATINO COMMUNITIES.

However, monitoring of WPVC-LP reveals that the station is consistently broadcasting Progressive Talk, principally from network sources, Hispanic Pop and Electronic Dance Music interspersed with commercial announcements, in violation of Section 399b of the Act and Section 73.503 of the Commission's rules, 47 C.F.R. § 73.503. None of the lofty goals articulated above are being served. PLC is violating the pertinent statutory and Commission underwriting rule provisions.<sup>25</sup>

Attachment 7 consists of transcripts of commercial announcements broadcast on August 23, 24 and 26, 2019, on WPVC-LP.<sup>26</sup> The announcements contain calls to action, e.g, they invite listeners in to see cars, buy food, and to take other actions.

In addition, as explained in more detail, *infra* (at Section III.A), it appears that PLC has made material misrepresentations in its application for construction permit and application for license as to the educational purpose for which it would use the LPFM station.

#### **4. Genesis Communications, Inc. – WREN-LP**

The license for WREN-LP is held by GCI. GCI represented in response to Question 2 and Exhibit 2 of FCC Form 318, its application for construction permit (BNPL-20131113BUP), that GCI is a “NONSTOCK, NONPROFIT CORPORATION INCORPORATED IN THE STATE OF

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<sup>25</sup> See the discussion of the Commission’s prohibition of broadcasting commercial announcements *supra* with respect to WXRK-LP, which is incorporated by reference with respect to WPVC-LP.



VIRGINIA. LPFM stations may only be authorized to such organizations and must broadcast a noncommercial educational format. In Exhibit 2 to its application for construction permit, GCI described its educational program and purpose, in part, as follows:<sup>27</sup>

GENESIS COMMUNICATIONS, INC. IS A NON-STOCK, NONPROFIT CORPORATION INCORPORATED IN THE STATE OF VIRGINIA. A COPY OF OUR ARTICLES OF INCORPORATION AND CERTIFICATE OF INCORPORATION ARE ATTACHED.

OUR EDUCATIONAL GOAL IS TO TRAIN LOCAL STUDENTS AND INTERESTED MEMBERS OF THE PUBLIC IN RADIO PRODUCTION, MANAGEMENT AND RESPONSIBLE JOURNALISM. IN OUR TRAINING PROGRAMS WE WILL EMPHASIZE THAT RADIO IS AN ART FORM AS WELL AS AN ENTERTAINMENT MEDIUM. WE WILL WORK WITH LOCAL PUBLIC AND PRIVATE SCHOOLS AND COLLEGES TO DEVELOP BROADCAST TRAINING OPPORTUNITIES AND CONDUCT REGULAR CAREER DEVELOPMENT SEMINARS. WE ALSO PLAN TO DEVELOP A 'THEATER OF THE MIND' TO CREATE A UNIQUE EDUCATIONAL ELEMENT THAT WE WILL IMPLEMENT WITH THE INVOLVEMENT OF LOCAL THEATER COMPANIES. WE WILL USE ON-THE-JOB TRAINING TO ADVANCE ALL OF THESE EDUCATIONAL GOALS.

THE LPFM STATION WILL SERVE THESE GOALS BY PRODUCING UNIQUE MUSICAL AND CULTURAL PROGRAMMING OF A TYPE WHICH IS MISSING IN OUR AREA. ROOTS, VINTAGE, AND LOCAL MUSIC PROGRAMMING WILL BE EMPHASIZED IN OUR TRAINING ACTIVITIES. ALSO TO SERVE OUR EDUCATIONAL OBJECTIVES, WE WILL COVER NEWS, SPORTS, AND EVENTS WHICH ARE USUALLY IGNORED BY OTHER MEDIA. IDEAS FROM OTHER AREA ORGANIZATIONS WILL BE GIVEN SERIOUS CONSIDERATION.

However, monitoring of WREN-LP reveals that the station is consistently broadcasting a “Real Oldies” music format interspersed with commercial announcements in violation of Section 399b of the Act and Section 73.503 of the Commission's rules, 47 C.F.R. § 73.503. None of the

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<sup>26</sup> Attachment 7 is supported by the declaration of Michael Chiumento, Tidewater Vice President, who oversaw the monitoring of the LPFM Stations and the preparation of the transcripts.

<sup>27</sup> In its application for license (FCC File No. BLL-20160309AAA), GCI certified that: “apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application now being incorrect.”

lofty goals articulated above are being served. GCI is violating the pertinent statutory and Commission underwriting rule provisions.<sup>28</sup>

Attachment 8 consists of transcripts of commercial announcements broadcast on August 23, 24, 26, and 27, 2019, on WREN-LP.<sup>29</sup> The announcements contain calls to action, e.g, they invite listeners in to see cars, buy food, and to take other actions.

In addition, as explained in more detail, *infra* (at Section III.A), it appears that GCI has made material misrepresentations in its application for construction permit and application for license as to the educational purpose for which it would use the LPFM station.

#### 5. Gateway Media, Inc. – WKMZ-LP

The license for WKMZ-LP is held by GMI. GMI represented in response to Question 2 and Exhibit 2 of FCC Form 318, its application for construction permit (BNPL-20131113BUP), that GMI is a “NONSTOCK, NONPROFIT CORPORATION INCORPORATED IN THE STATE OF VIRGINIA. LPFM stations may only be authorized to such organizations and must broadcast a noncommercial educational format. In Exhibit 2 to its application for construction permit, GMI described its educational program and purpose, in part, as follows:<sup>30</sup>

GATEWAY MEDIA, INC. IS INCORPORATED IN THE STATE OF VIRGINIA AS A NON-STOCK, NON-PROFIT CORPORATION IN GREENE COUNTY. COPIES OF OUR ARTICLES OF INCORPORATION AND OUR CERTIFICATE OF INCORPORATION ARE ATTACHED TO THIS EXHIBIT.

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<sup>28</sup> See the discussion of the Commission’s prohibition of broadcasting commercial announcements *supra* with respect to WXRK-LP, which is incorporated by reference with respect to WREN-LP.

<sup>29</sup> Attachment 8 is supported by the declaration of Michael Chiumento, Tidewater Vice President, who oversaw the monitoring of the LPFM Stations and the preparation of the transcripts.

<sup>30</sup> In its application for license (FCC File No. BLL-20170209ABP), GCI certified that: “apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application now being incorrect.”

OUR EDUCATIONAL PURPOSE IS TO INTERFACE WITH AREA PUBLIC AND PRIVATE SCHOOLS TO OFFER EDUCATIONAL OPPORTUNITIES IN ALL FACETS OF RADIO INCLUDING PRODUCTION, MANAGEMENT, PROGRAMMING, AND BROADCAST JOURNALISM. WE WILL WORK TO FOSTER INTEREST IN THE RADIO BROADCASTING AND HELP EACH STUDENT DECIDE IF RADIO IS A GOOD CAREER CHOICE FOR THEM THROUGH REGULAR CAREER DEVELOPMENT CLASSES. AS A VOLUNTEER DRIVEN ORGANIZATION, WE WILL BE INTERESTED IN WORKING WITH ANY MEMBER OF THE COMMUNITY WITH A DESIRE TO LEARN THE ART OF RADIO. WE WILL OFFER ACTUAL WORK EXPERIENCE WITH HANDS ON SKILL DEVELOPMENT IN AN OPERATING RADIO ENVIRONMENT.

WITH UNIQUE AND CULTURALLY RELEVANT PROGRAMMING WHICH IS NOT GENERALLY AVAILABLE IN OUR AREA THIS LPFM STATION WILL BE USED TO IMPLEMENT OUR EDUCATIONAL GOALS. OUR MUSICAL SELECTION OF WILL CONSIST LARGELY OF VINTAGE AMERICAN MUSIC, BLUEGRASS, AND ROOTS MUSIC SHOWCASING LOCAL ARTISTS. WE PLAN TO BROADCAST SPORTS FROM GREENE COUNTY'S WILLIAM MONROE HIGH SCHOOL AND BE INVOLVED WITH OTHER SPORTS AND ACADEMIC PROGRAMS AT PUBLIC AND PRIVATE SCHOOLS IN OUR COVERAGE AREA. THROUGH THE BROADCAST OF LOCAL NEWS, EVENTS, AND PUBLIC AFFAIRS WE PLAN TO BE A HIGHLY RELEVANT OUTLET FOR DISCUSSION, MUSIC, CULTURAL EVENTS, ENTERTAINMENT, AND SPORTS FOR GREENE COUNTY AND THE SURROUNDING AREA.

However, monitoring of WKMZ-LP reveals that the station is consistently duplicating the programs of WREN-LP which broadcasts a "Real Oldies" music format interspersed with commercial announcements in violation of Section 399b of the Act and Section 73.503 of the Commission's rules, 47 C.F.R. § 73.503. None of the lofty goals articulated above are being served. GMI is violating the pertinent statutory and Commission underwriting rule provisions.<sup>31</sup>

The transcripts attached as Attachment 7 reflect the commercial announcements that were broadcast on WREN-LP and its simulcast "partner," WKMZ-LP. As indicated therein, the

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<sup>31</sup> See the discussion of the Commission's prohibition of broadcasting commercial announcements *supra* with respect to WXRK-LP, which is incorporated by reference with respect to WKMZ-LP.

announcements contain calls to action, e.g, they invite listeners in to see cars, buy food, and to take other actions.

In addition, as explained in more detail, *infra* (at Section III.A), it appears that GMI has made material misrepresentations in its application for construction permit and application for license as to the educational purpose for which it would use the LPFM station.

### **III. The Renewal Applications Should Be Dismissed or Denied for Violation of Section 399b of the Act**

This is strong evidence that all the Renewal Applicants have made material misrepresentations in their applications for construction permits and their applications for license as to the purpose for which they would use the LPFM stations. In past cases involving violation of Section 399b and section 73.503 of the Rules, the Commission has assessed forfeitures up to \$10,000. See *Minority Television Project, Inc. (KMTP-TV)*, 18 FCC Rcd 26611, *application for review pending*; *Window to the World Communications, Inc.*, 15 FCC Rcd 10025 (2000). However, a forfeiture is not warranted here. The Commission should deny the Applications, order these stations off the air, and their equipment dismantled.

#### **A. False Certifications**

As if the preceding were not sufficient cause to dismiss or deny the Renewal Applications, there is more evidence to support this outcome. The applications by which the LPFM Stations obtained their construction permits and licenses contain numerous certifications, many of which are demonstrably false.

FCC Form 318, Section II, Question 5 requires the following certifications:

a. Applicant certifies that it and all parties to the application comply with the multiple ownership limits set forth in Section 73.855 of the Commission's rules. See 47 C.F.R. Section

73.855.

b. Applicant certifies that it and all parties to the application comply with the cross-ownership limits set forth in Section 73.860 of the Commission's rules. See 47C.F.R. Section 73.860.

c. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to media interests of immediate family members; and

d. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to investor insulation and the non-participation of non-party investors or creditors.

All of the Renewal Applicants certified “yes” to each of these certifications. While it is unclear whether the certifications to Questions 5.a. and 5.d. were false, the certifications to Questions 5.b and 5.c. are demonstrably untrue. The existence of the “Virginia Coop” operating or management “umbrella group” resulting in the common operation of the five LPFM stations violates Section 73.860 of the Rules. A Commission evidentiary hearing would reveal whether the Virginia Coop charade is in violation of the Commission’s policies relating to investor insulation and non-participation of non-party investors or creditors, thus resulting in evidence of a false certification to Question 5.d.

A question is also raised as to whether the certification to Question 5.c. was false. The issue is whether there is a violation of Section 73.860 of the Rules resulting from the relationship of Sharon P. Hall, who is listed as an officer of GCI, licensee of WREN-LP, and Jonathan G. Hall, who is listed as an officer of GMI, licensee of WKMZ-LP. On the FCC Form 318 for GCI, the address of Sharon P. Hall is listed as “253 Spring Oaks Lane, Charlottesville, VA 22968.” On the FCC Form 318 for GMI, the address of Jonathan G. Hall is listed as “253 Spring Oaks Lane, Ruckersville, VA 22968.” **Review of Google Earth reveals that there is no 253 Spring Oaks Lane in**

**Charlottesville, but there is such an address in Ruckersville.** This raises a question as to whether these cohabitating persons are related and whether the representation that Ms. Hall is a resident of Charlottesville was a material misrepresentation, designed to disguise the fact that Mr. Hall and Ms. Hall each are “attributable” persons in both GCI and GMI, in violation of the Commission’s “familial attribution” criteria.

Questions are also raised concerning whether the representations made in the FCC Forms 318 filed by the Renewal Applicants to obtain their construction permits were made in good faith. When LPFM applications are mutually exclusive, the Commission compares groups of LPFM applications under the point system set forth in Section 73.872 of the Commission's rules. The LPFM point system awards a maximum of six merit points, based on six criteria, with one point awarded under each criterion: (1) established community presence of at least two years; (2) commitment to originate local programming; (3) commitment to maintain a main studio; (4) commitment to originate local programming and maintain a main studio; (5) diversity of ownership; and (6) Tribal applicants serving Tribal lands. The Commission tallies the total number of points awarded to each mutually exclusive applicant. Each of the applicants with the highest score in an MX group is designated a “tentative selectee.” Applicants tied for the highest point total in an MX group are subject to voluntary and involuntary time-sharing.<sup>32</sup>

In order to build the strongest comparative case (if there were mutually exclusive applicants), the Renewal Applicants made a commitment to originate local programming. The description of the programming promised by the Renewal Applicants and the reality of operating five LPFM stations

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<sup>32</sup> See *In re Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations*, 34 FCC Rcd 851 (2019).

that broadcast music and commercial announcements or network talk falls short of the promises made.

For example, BRFM represented that it is “AN ORGANIZATION FORMED TO EDUCATE, AND TO BUILD AND STRENGTHEN COMMUNITY VALUES BY BRINGING UN- AND UNDER- REPRESENTED MUSIC, CULTURAL, SPORTS, AND OTHER PROGRAMMING TO THE AIR IN THE CHARLOTTESVILLE, VIRGINIA AREA.” But it is clear that this statement was merely a sham to obtain the construction permit in order to operate a *de facto* commercial station broadcasting alternative and active rock hits. Similar statements were made in the Forms 318 filed by AMVI, PLC, GCI and GMI in order to gain comparative merit.

Attachment 9, submitted herewith, is a flash drive containing recordings of the programming of the LPFM Stations. The thumb drive contains recordings of the commercials that were transcribed in Attachments 5-8, *supra*, and recordings of 24 hours of programming on two days, August 26 and 27, 2019.<sup>33</sup> Although every minute of the programming has not been audited, spot checks of the programming reveals that the LPFM Stations broadcast music interspersed with announcements, some of them prohibited commercial announcements, and in the case of WPVC-LP, carriage of network programs.

To rebut this evidence that the LPFM Stations are not broadcasting an educational program as required by Section 73.503 of the Rules, the Renewal Applicants must produce convincing proof that, over the past renewal term, they have used their LPFM licenses to broadcast the material they promised to broadcast and to use their stations as represented to serve the public interest of the

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<sup>33</sup> A copy of the thumb drive is being mailed to each Renewal Applicant and a copy is being hand-delivered to Michael Wagner, Esq., Assistant Chief, Audio Division.

Charlottesville and Ruckersville communities. The Commission should inquire into whether the Renewal Applicants made material misrepresentations in their FCC Forms 318.<sup>34</sup>

**B. Penalty—The Renewal Applications Must Be Denied or Dismissed**

The penalty for operating LPFM stations in the manner described above is set forth in Section 309(k)(2) and (3) of the Act. The evidence Tidewater has supplied overwhelmingly demonstrates that a substantial or material question of fact exists as to whether the LPFM Applicants possess the basic qualifications to be a Commission licensee, and whether grant of the Applications would serve the public interest. Tidewater has presented copious evidence of “serious violations” of the Commission’s rules or violations that constitute a “pattern of abuse” for purposes of Section 309(k)(1) of the Act. The wording of the promotional literature reveals that the Renewal Applicants know the requirements of noncommercial broadcasting, but are blatantly skirting them. Even if the violations were not willful, the evidence shows that the operation “was conducted in an exceedingly careless, inept and negligent manner.”<sup>35</sup> Also, “the number, nature and extent” of the violations indicate that “the licensee[s] cannot be relied upon to operate [the LPFM Stations] in the future in accordance with the requirements of its licenses and the Commission’s Rules.”<sup>36</sup>

This case bears out the concerns many broadcasters expressed when the Commission was

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<sup>34</sup> See *Priscilla L. Schwier*, 4 FCC Rcd 2259, 2660 (1989) (Commission does have a responsibility to look for fire “when it is shown a good deal of smoke,” quoting *Citizens for Jazz on WRVR v. FCC*, 775 F. 2d 392, 397 (D. C. Cir. 1985); *Abuses of Commission’s Processes by Broadcast Applicants (Dr. Bernard Boozer)*, 65 RR 2d 91 (1988) (widespread nature of alleged misconduct warranted consideration in a single Section 403 investigation rather than in the context of individual proceedings where isolated evidence may arise).

<sup>35</sup> *Cesar Chavez Found.*, 33 FCC Rcd 4338 (2018).

<sup>36</sup> *Id.*



developing the regulatory framework for LPFM stations.<sup>37</sup> Here, under the guise of operating noncommercial educational LPFM stations, the Renewal Applicants are operating a traditional radio station “cluster” offering multiple program formats – blatantly and illegally selling and broadcasting commercial announcements in competition with commercial broadcasters including Tidewater. The Commission should not tolerate this for one more moment.

#### **IV. Conclusion and Request for Relief**

In light of the foregoing, Tidewater respectfully requests the Commission to designate the Applications for evidentiary hearing pursuant to Section 309(e) of the Act, and upon its conclusion, to deny or dismiss the Applications. Much of the evidence of wrongdoing by the Renewal Applicants is within their unique knowledge and control. For that reason, the Commission should designate the Renewal Applications for hearing upon the following issues:

- (a) To determine whether Blue Ridge Media, Air Mix Virginia, Promise Land Communications, Genesis Communications, Inc., and/or Gateway Media, Inc. (“Renewal Applicants”) have entered into an operating agreement, time brokerage agreement, or management agreement among each other or any other party;
- (b) In light of the evidence adduced under Issue (a) above, to determine whether the Renewal Applicants violated Title 47 C.F.R. §73.860(e);
- (c) To determine whether the Renewal Applicants, or any one of them, have broadcast commercial announcements on the low power FM radio stations of which they are licensees;
- (d) In light of the evidence adduced under Issue (c) above, to determine whether the Renewal Applicants violated Section 399b of the Communications Act of 1934, as amended, and/or Title 47 CFR §73.503;
- (e) To determine whether the Renewal Applicants made false certifications in their

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<sup>37</sup> Whether the Renewal Applicants are abusing their non-tax status is beyond the scope of this Petition or the jurisdiction of the Commission. Yet, the competition of an entity that does not pay federal taxes with business entities like Tidewater is grossly unfair.

applications for renewal of the licenses of the low power FM radio stations of which they are licensees;

- (f) In light of the evidence adduced under the preceding issues, whether the applications for renewal of license filed by the Renewal Applications should be granted.

In connection with the designation of the above issues, the Commission should order discovery including interrogatories, depositions and requests for admissions since much of the evidence of misconduct is within the custody and control of the Renewal Applicants.

Tidewater requests that it be made a party to the hearing.

Respectfully submitted,

TIDEWATER COMMUNICATIONS, LLC



By:

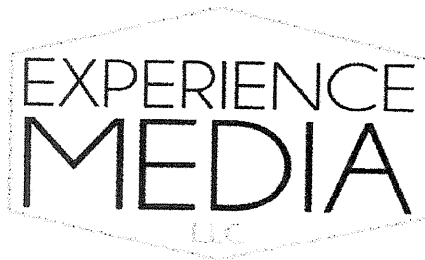
\_\_\_\_\_  
Gary S. Smithwick  
Its Attorney

**SMITHWICK & BELENDIUK, P.C.**  
5028 Wisconsin Avenue, N.W.  
Suite 301  
Washington, DC 20016  
202-363-4560

September 3, 2019

**ATTACHMENT 1**

**COPY OF RATE CARD AND PROMOTIONAL LITERATURE  
ON THE LETTERHEAD OF EXPERIENCE MEDIA**



**WXRK "Rock Hits 92.3" (Alt/Active Rock)**  
\$5.50-\$9.50 \$12.50

**WVAI "101 Jamz" (Hip-Hop & R&B)**  
\$6.00-\$10.00-\$14.50

**WREN "Real Oldies 97.9"**  
\$5.00-\$7.50 \$10.00

**WPVC Progressive Talk 94.7\***  
\$4.00-\$7.00-\$12.00

\* 9A-7P Mon-Fri; replayed 9P-6A

\*Hispanic Pop 7-9PM M-F; N-6 Sat/Sun

\*EDM (Electronic Dance Music); 9P-7A Fri-Sun

Class AAA: 6-10A&3-7P Mon-Fri Class AA: 10-3P Sun-Sat Class A: 7P-12M/Wknd, except 10-3

WPVC only: Class AAA: 8A-3P & 6-7P Class AA: 6A-9A/3P-6P Class A: all other times

Note: All spots 9A-6P are repeated at no additional cost 9P-6A.

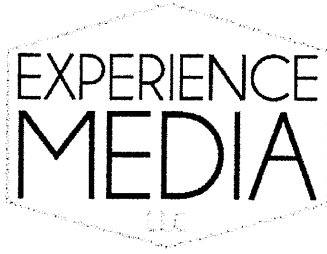
Negotiable discounts for quantity/1year+ contracts.

Complimentary evening-wkend-o/nights with other purchases

Web placement: Negotiable on request.

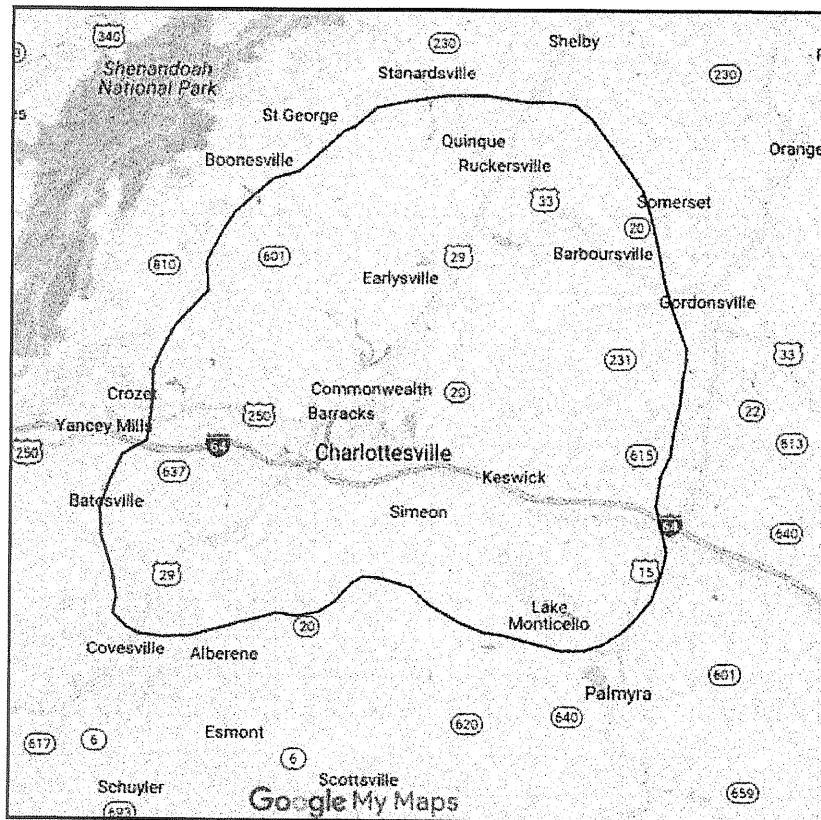
Promotions welcome; in-kind acceptable for non-profit fundraising purposes up to 50% value.

Stations represented are 501(c)(3) non-profits.



## Signal Coverage

Our stations are all broadcast from the 250-foot monopole beside the Fashion Square Mall. With a transmitter output power of 108 watts and a height of over 830 feet above sea level, our signals reaches almost ANY radio in Charlottesville and nearby populated areas of Albemarle County loud and clear. Excellent car reception is also possible into parts of Greene and Fluvanna counties.



This is approximately 50 dBu, or better for all stations. This level of signal is adequate for reception on car stereos, home receivers with indoor antenna, and all but the worst 'boom boxes' or 'mini-component systems.' Outdoor antennae, quality receivers, and favorable terrain can extend this by as much as ten miles. No antenna, a poor receiver (a Cell-FM receiver, \$5 hotel clock radio, etc.) or terrain features can cause signal failure almost anywhere.



## **Is Non-Commercial Radio Viable for Advertising?**

The short answer to this question is "yes!" Most of non-commercial radio's commercial supporters are involved for broader advertising value than that which is normally associated with a similar investment in spots on a commercial station. Depending on your objectives, the results from exposure on public radio can be as or more effective per ad-dollar spent.

In order to keep "non-commercial" radio free from commercials, which is important to Big Broadcasting's lobbyists, the FCC has established legal guidelines for the presentation of messages done for consideration.

- **qualitative language is not permitted: "delicious," "wonderful," etc.**
- **comparative language is not permitted: "cheapest," "best"**
- **calls to action are not permitted**

Illegal:

"Come to Giuseppe's at 100 Main Street this evening for the most delicious Italian food in Central Virginia."

Legal:

"This hour of modern rock on WXRK is brought to you by Giuseppe's, 100 Main Street in Charlottesville, serving Sicilian cuisine nightly until midnight."

All of the following are legal on public radio:

- **location of the business, including areas served, along with time, days of operation**
- **a "reasonable" number of product/service specific, as well as years in business**
- **product origin ("made in the Valley") and product content ("all organic")**
- **delivery method ("take-out") and slogans, if they meet other criteria**

If you have traveled in Europe, these rules may seem vaguely familiar. That is because these restrictions apply to ordinary commercial radio in many countries (e.g. Germany).

Some public stations discourage the use of pre-recorded or "produced" spots. We do not as these are perfectly permissible if they meet other criteria. Some underwriters desire this as opposed to "live copy" for quality control, as live copy can sometimes be uneven in its presentation.

As you can see, there is substantial advertising value in non-commercial radio. The restrictions have only served to enhance its "advertising" effectiveness for the caliber of listener who has migrated away from boring, repetitive, commercial radio. While commercial radio sales are flat to slightly up recently, non-commercial radio has seen healthy increases as their promotional prowess becomes recognized.

**Let us put the power of our stations to work for your business today!**



**Do you need to pay attention to Non-Commercial Radio?**

In some markets, if you can live without the NPR audience, the answer is often yes...

Charlottesville is not one of them however....

**While there are non-commercial stations with silly formats, or no identifiable format at all, you will not reach listeners of the following formats in our area without non-commercial radio:**

- current (last 20 years) Alternative/Active Rock
- Urban Contemporary (Rap, Hip-Hop, and R&B)
- Hispanic (Mexican/Tropical)
- Progressive Talk
- Real Oldies (Beatles, Stones, Beach Boys, Motown)

**Talk to an Experience Representative about connecting you with any/all of these audiences for less than you think!**

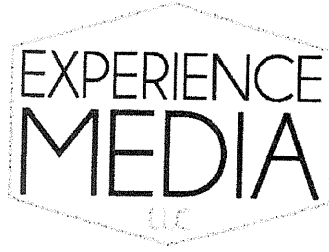


CHARLOTTESVILLE'S



#1 FOR HIP-HOP AND R&B





## **Advertising Is an Investment in Top-of-Mind Awareness**

Even if you choose not to advertise with us, please read this. It could save you big money. There are squads of ad sales folks on the streets these days...enough to be able to work with very low retention rates... the kind you expect when promising the moon.

Different kinds of new and traditional advertising can work together to provide the results you want. Despite the promises, radio works best at providing **awareness** of your product or business. Research shows it is poor at conveying details (and is only part of the cost if you're giving away the store to build traffic).

Automotive is the category that uses radio and TV the most, but sells a product that is among the least frequently purchased. Do these companies just waste money? Of course not. **They know what the banner at the top of this page says.** When someone is ready to purchase after 7-10 years, the manufacturers and dealers want you their product and its image **up front in your mind.**

Whatever your business, potential customers probably know of 5-6 places to obtain your product or service. The more times, via radio, TV, signage –whatever—your business name is in front of potential customers, the better the long-term result. This value can be over-estimated, but more often, it is under-valued, because it's not "sexy."

Before you interact with a customer, they may have seen your road-sign 80 times, seen 100 TV ads, heard 50 radio spots, and received a friend's recommendation. Maybe that got them to your website or Facebook page, and then in the door. F.W. Woolworth famously said that he knew that half of his advertising was wasted, but he didn't know which half. Less famous is his reasoning for continuing all of it: The resources to determine which half was which would have zero advertising value, even if the determination was totally accurate. Ad agencies have been pushing the quest for the holy grail of "absolute targeting" for years. As usual it's not the data that's problematic, but the way it's used....

**So....the bottom line, here at the bottom of the page: Think about the value you attach to awareness, image, and straightforward product/service description. Use radio for that. Use print, social, TV – whatever- for what any one of them is best for...**



**ATTACHMENT 2**

**MATERIAL PRINTED FROM  
VIRGINIA STATE CORPORATION COMMISSION  
EXPERIENCE MEDIA, LLC  
EXPERIENCE MEDIA GROUP, LLC  
EXPERIENCE MEDIA SALES, LLC**

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#### Experience Media LLC

##### General

SCC ID: S5800547  
 Entity Type: Limited Liability Company  
 Jurisdiction of Formation: VA  
 Date of Formation/Registration: 9/23/2015  
 Status: Canceled

##### Select an action

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- [File a registered office address change](#)
- [Resign as registered agent](#)
- [File a principal office address change](#)
- [Pay annual registration fee](#)
- [Order a certificate of fact of existence](#)
- [View eFile transaction history](#)
- [Manage email notifications](#)

##### Principal Office

1354 Dunlora Dr  
 Charlottesville VA22901

##### Registered Agent/Registered Office

JOHN TODD HAYMANS  
 1354 DUNLORA DR  
 CHARLOTTESVILLE VA 22901  
 ALBEMARLE COUNTY 101  
 Status: Active  
 Effective Date: 9/23/2015

Screen ID: e1000

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#### UCC or Tax Liens

#### Court Services

#### Additional Services

### Experience Media Group LLC

#### General

SCC ID: S8210363  
 Entity Type: Limited Liability Company  
 Jurisdiction of Formation: VA  
 Date of Formation/Registration: 4/16/2019  
 Status: Active

#### Principal Office

4112 Oxford Rd  
 Richmond VA23221

#### Registered Agent/Registered Office

CB REGISTERED AGENT SERVICES, LLC  
 7275 GLEN FOREST DRIVE  
 SUITE 310  
 RICHMOND VA 23226  
 HENRICO COUNTY 143  
 Status: Active  
 Effective Date: 4/16/2019

#### Select an action

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- [File a registered office address change](#)
- [Resign as registered agent](#)
- [File a principal office address change](#)
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Screen ID: e1000

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Need additional information? Contact [sccinfo@scc.virginia.gov](mailto:sccinfo@scc.virginia.gov) Website questions? Contact: [webmaster@scc.virginia.gov](mailto:webmaster@scc.virginia.gov)

[Adobe Acrobat PDF Reader](#) [Microsoft Office Online Applications: \(Excel, PowerPoint, Word\)](#)

Build #: 1.0.0.31267

Alert to business entities regarding mailings from VIRGINIA COUNCIL FOR CORPORATIONS or U.S. BUSINESS SERVICES is available from the Bulletin Archive link of the Clerk's Office website.

Home | Site Map | About SCC | Contact SCC | Privacy Policy



SCC eFile > Entity Search > Entity Details

Login | Create an Account



### SCC eFile Business Entity Details

Help

#### Experience Media Sales LLC

##### SCC eFile

- SCC eFile Home Page
- Check Name
- Distinguishability
- Business Entity Search
- Certificate Verification
- FAQs
- Contact Us
- Give Us Feedback

##### Business Entities

##### UCC or Tax Liens

##### Court Services

##### Additional Services

##### General

SCC ID: S7033964  
 Entity Type: Limited Liability Company  
 Jurisdiction of Formation: VA  
 Date of Formation/Registration: 9/12/2017  
 Status: Active

##### Select an action

- [File a registered agent change](#)
- [File a registered office address change](#)
- [Resign as registered agent](#)
- [File a principal office address change](#)
- [Pay annual registration fee](#)
- [Order a certificate of fact of existence](#)
- [Submit a PDF for processing \(What can I submit?\)](#)
- [View eFile transaction history](#)
- [Manage email notifications](#)

##### Principal Office

915-104 Dorchester Pl.  
 Charlottesville VA22911

##### Registered Agent/Registered Office

MICHAEL EDGE MCBLAIR  
 915-104 DORCHESTER PL.  
 CHARLOTTESVILLE VA 22911  
 ALBEMARLE COUNTY 101  
 Status: Active  
 Effective Date: 9/12/2017

Screen ID: e1000

[Supported Browsers](#)

Need additional information? Contact [sccinfo@scc.virginia.gov](mailto:sccinfo@scc.virginia.gov) Website questions? Contact: [webmaster@scc.virginia.gov](mailto:webmaster@scc.virginia.gov)

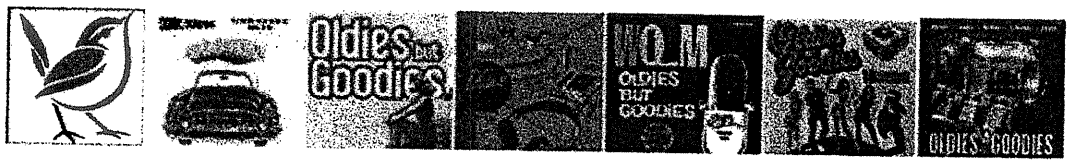
[Adobe Acrobat PDF Reader](#) [Microsoft Office Online Applications](#): (Excel, PowerPoint, Word)

Build #: 1.0.0.31267

**ATTACHMENT 3**

**EXCERPT FROM WREN-LP WEBSITE**

**(Arrows Indicating Salient Portions Supplied)**



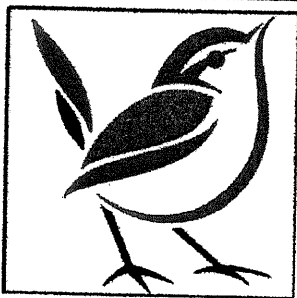
- HOME
- POSTS
- INFORMATION
- MUSIC
- EVENTS
- PODCASTS
- ABOUT
- CONTACT US

97.9 WREN is Charlottesville's 501(c)3 non-profit oldies community radio station. We play the hits from the 1950's to the early 1980's with a very few later 1980's songs by classic artists as well!

In addition to 97.9 in Charlottesville, you may hear us on:

- 96.5 WKMZ in Ruckersville (Greene County Virginia)
- Our website, 979WREN.org
- Alexa & Sonos smart speakers – 'Alexa play W R E N' (pronounce each letter individually)

97.9 WREN is a member of Charlottesville's unique radio organization, the Virginia Radio Coop. We are four stations operating independently under one roof and with one primary transmitter site. Our studios are located in the Seminole Square Shopping Center at 394 Hillsdale Dr. on the second level of the building which is located behind Burger King. We are located next door to the Smooth Sailing Ballroom Dance studio. Other Charlottesville area Radio Coop members include Rock Hits 92.3 WXRK, Progressive Talk 94.7 WPVC, and Hip-Hip and R&B 101.3 WVAI.



97.9 WREN Radio  
 Seminole Square Shopping Center  
 394 Hillsdale Dr.  
 Charlottesville, VA. 22901  
 Office: 434-817-2662  
 Studio: 434-817-9798

On now

Listen live

Donate

Talk to us!

Requests & Comments



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[INFORMATION](#)
[MUSIC](#)
[EVENTS](#)
[PODCASTS](#)

[ABOUT](#)
[CONTACT US](#)

Well, before we begin the history of Real Oldies 97.9 The WREN in Charlottesville, we should pay some homage to the original WREN which was first licensed to Lawrence, Kansas. It founded in 1926 as a service of Bowersock Mills and Power Company whose owner, R.C. Jackman, founded WREN to promote their 'Jenny Wren' flour brand. The station's call sign came from the original city of license name, 'LaWRENce'. 'As a service of' was actually quite correct as all radio stations were non-commercial in 1926 save for AT&T's WEAJ in New York City which was an experiment in 'Toll' (commercial) broadcasting.

WREN moved to Topeka in 1952. For several decades, it was owned by former Kansas Governor and 1936 Presidential candidate Alf Landon and his family. During this period the station had a Top 40 format. Some of the original WREN announcers from this era may be found on 'WREN Radio' an internet radio station located in Topeka. WREN was later sold and went off the air in 1988. Unfortunately, WREN was the only radio station in Topeka not to have an FM partner. WREN returned to the air as Gospel station from 1992 to 1997 before it's frequency was moved to Kansas City where it is today Spanish formatted KYYS.

**1st. Kansas Market in per capita income**  
**PLUS Greatest Share of daytime audience**  
**MINUS HALF THE COST**

equals = **BETTER BUY!**  
**WREN**  
 an ABC affiliate 1250 KC  
 5000 WATTS *The Peak in Topeka*  
 ASK A WEED MAN  
 SOURCES:  
 1949 SALES MANAGEMENT-CONLAN



1949 WREN Topeka Trade Ad - Jenny Wren Flour

Flash forward to 2011 - That was the time when the planning for what became WREN in Charlottesville came into being. There had been a falling out between members of the 91.9 WNRN radio Board of Directors. WNRN founder Mike Friend started planning a new rock station at this time. Jon Hall, one of the other WNRN Directors on the 'losing' side also decided to apply for a frequency. Additionally, Jaquon Middleton who was the manager of the WNRN

On now

Listen live ▶

Donate

VISA

Talk to us!

Requests & Comments

late night Rap and Hip-Hop show became interested too. Jeff Lenert who worked in the new department of WNRN also decided to apply for a frequency. Originally, these last two static were going to operate on a shared time basis on 94.7. Happily there was a filing window for new Low Power FM (LPFM) stations in October 2013. There have only been two of those ever.

While the resulting stations are each independently owned and operated, to save on expenses, an umbrella group was founded called the 'Virginia Radio Coop' to divide office and transmitter site rent, office, and some other technical expenses. The Coop and all four stations (WREN, WXRK, WVAI, and WPVC) are located in the Seminole Square Shopping Center in Charlottesville.

At first, WREN was going to be WKMZ which would have had a Classic Country and Blue Grass format. That idea fell apart in 2015 when two Charlottesville stations went to Country and Classic Country formats within a week of each other. After some detective work it was discovered that the WREN call sign was available although it was listed as being unavailable in FCC records. Oldies was our drop back format which became a very happy situation. WKMZ remained the call sign of our Ruckersville simulcast partner which is on 96.5 FM. The corporate name for WREN is 'Genesis Communications, Inc.'

WREN first signed on March 14, 2016. The event was quite unceremonious! Jon Hall, the General Manager, Engineer, and only station employee simply left the station on one night after deciding that the studio was generally complete! The first programming was provided by a five disc CD player. Later a 100 and then a 200 disc player were found. That was our programming effort for the first six weeks or so until our Wide Orbit automation system was brought on line. After that, we were automated with the exception of 3-7 PM when Jon was on the air. Dan Thomas started doing 12-3 PM on Monday and Tuesday. Within a short time, Ben Chambers began doing the 6-10 AM show. Dan, our very first volunteer handles 12-3 PM on Saturday and Sunday today (Thank You Dan!) We also added the syndicated 'Breakfast With The Beatles' show in late 2016.

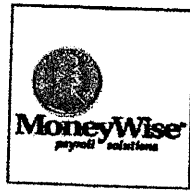
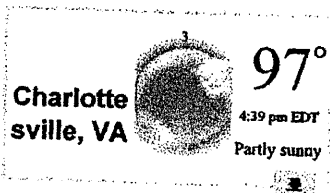
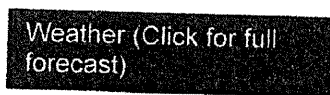
In 2017, Mike McB took over the morning show. Mike is the Operations Manager and Volunteer Coordinator. At that point we were extremely fortunate to have some very good people come on board! Nora Gail was the first handling the 10-12 Noon shift. We then had the very musically knowledgeable Murphy come on board. Nora decided that she could only handle Monday through Thursday. Almost immediately Mike McB and Murphy decided to produce the 'Mike & Murphy feature Friday Special' which has proven to be pretty popular! Murphy is our Music Director.

During 2018 we had Aimee D. for a short time working with Mike McB and then on her own from 7-10 PM. Aimee left but very soon afterwards two great people came on. They were Peter Quist and John Henrie. Peter was on from 7-9 PM and John Henrie from 9-11 PM. John left at the end of 2018. Peter now does the 7-11 PM night shift. We also had Chris Connors who was a personality in the Washington, DC market for 30 years come on board. Chris produces 'Back Seat Memories' Sunday nights from 7-10 PM. This is the continuation of a show that he ran in DC for years. We also air and encore of his show on Saturday night.

During 2018 we began podcasting 'Mike & Murphy Feature Friday Special' and then 'Chris Connors Back Seat Memories' show. Both may be found at '979WREN.org'.

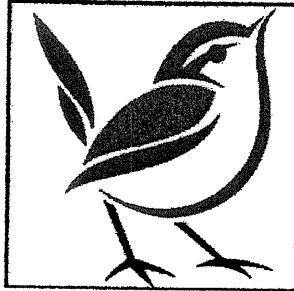
In 2019, Nancy B. has come to work with Mike McB in the mornings. We have also added the 'Greatest Hits USA syndicated program on the weekends and received a minor power increase in February.

We very much want to thank the volunteers both past and present who make WREN the station





that it is! Radio is about people. You the listener, our underwriters, and the wonderful staff which we are truly blessed to have make WREN a great radio station!



97.9 WREN Radio  
Seminole Square Shopping Center  
294 Hillsdale Dr.  
Charlottesville, VA. 22901

Office: 434-817-2662  
Studio: 434-817-9798



**ATTACHMENT 4**

**Printout of Virginia State Corporation Commission  
Website for The Virginia Radio Coalition Limited Liability Company (LLC)**

The State Corporation Commission will be closed Monday, Sept. 2, 2019 in observance of Labor Day.

Alert to business entities regarding mailings from VIRGINIA COUNCIL FOR CORPORATIONS or U.S. BUSINESS SERVICES is available from the Bulletin Archive link of the Clerk's Office website.

<http://www.scc.virginia.gov>



Home (<http://www.scc.virginia.gov/index.aspx>) | Site Map ([http://www.scc.virginia.gov/site\\_map.aspx](http://www.scc.virginia.gov/site_map.aspx)) | About SCC (<http://www.scc.virginia.gov/comm/index.aspx>) | Contact SCC (<http://www.scc.virginia.gov/contact.aspx>) | Privacy Policy (<http://www.scc.virginia.gov/privacy.aspx>)

SCC eFile (/) > Entity Search (/Find/Business) > Entity Details > Entity Transaction History

[Login \(\)](#) | [Create an Account \(/Register\)](#)



SCC eFile  
Business Entity Transaction History



[Help](http://www.scc.virginia.gov/ecHelp.aspx#)  
(<http://www.scc.virginia.gov/ecHelp.aspx#>)

- SCC eFile
- SCC eFile Home Page (/)
- Check Name Distinguishability (/NameAvailability)
- Business Entity Search (/Find/Business)
- Certificate Verification (/Verify/Certificate)
- FAQs (<http://www.scc.virginia.gov>)

- Business Entities
- UCC or Tax Liens
- Court Services
- Additional Services

Business Entity Name: The Virginia Radio Coalition Limited LiabilityCompany (LLC)  
SCC ID: S5042686

Filing Type:  
- Select Type -

Search:

Showing 1 to 1 of 1

show 20 filings

Type	Date	Confirmation Number/ DCN
Registered Agent Change	5/14/2019 8:23:37 AM	1905145296

Showing 1 to 1 of 1

Screen ID: e1100

Supported Browsers (<http://www.scc.virginia.gov/brows.aspx>)

Need additional information? Contact [sccinfo@scc.virginia.gov](mailto:sccinfo@scc.virginia.gov) (<mailto:sccinfo@scc.virginia.gov>) Website questions? Contact: [webmaster@scc.virginia.gov](mailto:webmaster@scc.virginia.gov) (<mailto:webmaster@scc.virginia.gov>)

Adobe Acrobat PDF Reader Microsoft Office Online Applications: (Excel, PowerPoint, Word)

Build #: 1.0.0.31267



STATE CORPORATION COMMISSION

Office of the Clerk

May 14, 2019

SHARON HALL  
394 HILLSDALE DRIVE  
CHARLOTTESVILLE, VA 22901

RECEIPT

RE: **The Virginia Radio Coalition Limited Liability Company (LLC)**

ID: **S5042686**

DCN: **1905145296**

Dear Customer:

This is to acknowledge the filing of a statement of change of registered office and/or registered agent for the above-referenced limited liability company with this office.

The effective date of the change is May 14, 2019.

If you have any questions about this matter, please contact this office at the addresses or telephone numbers shown below.

RECEIPT  
CISECOM

Sincerely,

Joel H. Peck  
Clerk of the Commission



STATE CORPORATION COMMISSION

**STATEMENT OF CHANGE OF REGISTERED OFFICE  
AND/OR REGISTERED AGENT**

1. RE: **The Virginia Radio Coalition Limited Liability Company (LLC)**  
  
ID: **S5042686**
  
2. Current registered agent's name and registered office address on record (including the jurisdiction in which the registered office is physically located):  
JEFFREY T LEMENT  
1195 RIVER CHASE RIDGE  
CHARLOTTESVILLE, VA 22901-0000 (ALBEMARLE COUNTY)
  
3. The current registered agent is an individual who is a resident of Virginia and a member or manager of the limited liability company.
  
4. The registered agent's name and registered office address after this statement is filed with the Commission (including the jurisdiction in which the registered office is physically located):  
Sharon Hall  
394 Hillsdale Drive  
Charlottesville, VA 22901 (CHARLOTTESVILLE CITY)
  
5. The registered agent named in item 4 is an individual who is a resident of Virginia and a member or manager of the limited liability company.
  
6. After the foregoing change or changes are made, the limited liability company will be in compliance with the requirements of § 13.1-1015 of the Code of Virginia.

Signed on May 14, 2019, on behalf of The Virginia Radio Coalition Limited Liability Company (LLC)

By: Jeff Lenert, Member

/s/ Jeff Lenert

**ATTACHMENT 5**

**WXRK-LP Commercial Transcripts**

WXRK

8/23/19

5pm hour (all exact times are from the recordings and may be slightly different from air times)

5:40:57 Elite Auto

5:55:32 Crazy Horse Studio

#### ELITE AUTO

You know that Elite Auto is there to help you if you've had an accident, right? They can do an estimate, set p a rental, arrange the towing and get your vehicle back on the road, often the same day or next day service. But did you know that Elite can help with brakes, electrical and exhaust system repair and even engine work? Accident or no accident if your car needs fast and reliable service for any reason you can call Elite Auto 434-296 twenty-nine forty-eight or go to elite auto restorations dot net. That's Elite Auto 22 Rosa Terrace off sixth Street Southeast Charlottesville. Supporting this station.

#### CRAZY HORSE STUDIO

When Crazy Horse Studio wants to get the word out about their t-shirts, polos, hats and other promotional items they support this station and when we need to tell the world about us, we count on Crazy Horse Studio. Crazy Horse carries the apparel brands you know and trust and has a professional design staff on site right here in Charlottesville. Crazy Horse has served the area for over thirty years and you can learn more at crazy horse studio dot com, find their Facebook page or by stopping by Crazy Horse Studio seventeen eighteen Hydraulic Road next to Whole Foods.

8/23/19

6pm hour (all exact times are from the recordings and may be slightly different from air times)

6:38:21 Price Hyundai

6:51:15 Price Kia

## PRICE HYUNDAI

Hey boss I just sold a Santa Fe and cleared out 50 more square feet. Hey if you've driven down 29 north lately you've seen the construction at the Jim Price dealerships. While their building a facility for the 21<sup>st</sup> century it's construction reduction. If I could sell those two Konas over there the Grub Hub guy could get in here. You can go online or stop in today to see what they'll do to clear some space or make a new Hyundai yours during construction reduction. Price Hyundai supports this station and invites you to be on the lookout for the all new Price Hyundai coming this fall.

## PRICE KIA

Support for this station today is from Price Kia home of the new twenty nineteen Kia Sorento LX sport mid size SUV with third row seating standard. Wanna buy one, want to lease one? As much as we'd like to give the details here, we don't want you crashing what you're driving now. So once you stop you can go online to price kia dot com to find out how Price can get you into a new twenty nineteen Kia Sorento LX 4 right now or you can stop in at Price Kia thirteen ninety Richmond Road on Pantops, that's Price Kia.

8/24/19

7am hour (all exact times are from the recordings and may be slightly different from air times)

7:39:12        Spectacle Shop

7:40:31        Special Touch Cleaning

## SPECTACLE SHOP

Do I really like this view, hey did you see the game last night, yeah I'll take a look at it tomorrow. Ever notice how much life involves your vision whether you're near sighted, far sighted or just need some sunglasses, the Spectacle shop in Charlottesville has been serving the area since 1984. Their licensed opticians have hundreds of years of experience between them and are committed to taking the time to select eyewear that fits your style from brands like Gucci, Silhouette and Ray Ban the Spectacle Shop supports this station and invites you into a location near you at the Shoppes in Millmont near UVA, in Berkmar Circle on twenty nine North and the Spectacle Shop outlet on East Market Street downtown. More is at spec shop dot net.



## SPECIAL TOUCH CLEANING

Special Touch Cleaning supports this station. Is cleaning your business, if it isn't then why do you spend so much time doing it. You don't have to you know, not when there's an expert cleaning team out there that's been keeping area businesses homes and even vehicles clean for almost 25 years. Special touch takes care of floors, your carpets, windows and bathrooms and can give your business just what it says in their name. You can google Special Touch Charlottesville to get in touch or you can call them at 823-8222 that's Special Touch Cleaning.

8/26/19

7am hour (all exact times are from the recordings and may be slightly different from air times)

7:53:03      Price Kia

## PRICE KIA

Price Kia supports local nonprofits like this radio station. Hi, I'm Damian Weaver sales and finance specialist at Price Kia here to tell you about the new twenty twenty Telluride an SUV that's equally suited for long trips and off road adventures. While the new Telluride sports the one hundred fourteen-inch wheel base, a two hundred ninety-one horsepower three point eight liter V six and all-wheel drive, it gets up to twenty six MPG. Inside you'll find leather seats for up to eight, a ten-point two-inch main display and state of the art driver assistants features and smart cruise. I personally invite you to come in today to test the twenty twenty Telluride SUV. You can find Price Kia at thirteen ninety Richmond Road on Pantops and at price kia dot com.

**DECLARATION UNDER PENALTY OF PERJURY**

**I, Michael Chiumento, under penalty of perjury, declare as follows:**

**1. I am employed as General Manager by Tidewater Communications, LLC (“Tidewater”), which owns and operates radio stations in the Charlottesville, Virginia, radio market.**

**2. I have listened to the programs broadcast by Low Power FM Station WXRK on the dates noted 8/23/19, 8/24/19, 8/26/19. I also transcribed the announcements as indicated.**

**3. The attached transcripts set out in written form the material broadcast on the Low Power FM Station on the date and at the time indicated. In order to shorten the time needed to audition the recordings, I removed some of the musical material but did not alter the announcements broadcast.**

**Executed this 3rd day of September, 2019.**



---

**[Name of Declarant]**

**ATTACHMENT 6**

**WVAI-LP Commercial Transcripts**

WVAI

8/23/19

6pm hour (all exact times are from the recordings and may be slightly different from air times)

6:16:16 Price Hyundai

6:16:52 Special Touch Cleaning

6:45:44 Price Kia

6:45:12 Dominos

#### PRICE HYUNDAI

Price Hyundai supports this station. Finally the wait is over the new for twenty twenty Hyundai Palisade eight seat SUV is here. The Palisade is available with third row power folding seats, safe exit assist and rear occupant alert and you'll always be informed with the Palisade's fully digital instrument cluster ten and a quarter inch info screen, in car intercom and full connectivity. Life meets style in the new for twenty twenty Palisade. Available for a look right now at jim price hyundai dot com or for a test drive at Price Hyundai on twenty nine north.

#### SPECIAL TOUCH CLEANING

Special Touch Cleaning supports this station. Is cleaning your business, if it isn't then why do you spend so much time doing it. You don't have to you know, not when there's an expert cleaning team out there that's been keeping area businesses homes and even vehicles clean for almost 25 years. Special touch takes care of floors, your carpets, windows and bathrooms and can give your business just what it says in their name. You can google Special Touch Charlottesville to get in touch or you can call them at 823-8222 that's Special Touch Cleaning.

#### PRICE KIA

Support for this station today is from Price Kia home of the new twenty nineteen Kia Sorento LX sport mid size SUV with third row seating standard. Wanna buy one, want to lease one? As much as we'd like to give the details here, we don't want you crashing what your driving now. So once you stop you can go online to price kia dot com to find out how Price can get you into a new twenty nineteen Kia Sorento LX 4 right now or you can stop in at Price Kia thirteen ninety Richmond Road on Pantops, that's Price Kia.

#### DOMINOS

Oh yeah now's a chance to join with a good locally owned company in the area. Dominos is looking for delivery drivers to get paid cash after every shift. Make great money with flexible hours, be a part of the most high energy team around with lots of opportunity for you to advance.

In fact, back in the day most of our local owners started as drivers. Now's the time for you to get started at one of the thirteen owned Dominos in the area. Deliver and get paid. Dominos is hiring now go to jobs dot dominos dot com to apply, that's jobs dot dominos dot com to apply. Dominos is an equal opportunity employer. Dominos supports this station.

8/26/19

8am hour (all exact times are from the recordings and may be slightly different from air times)

8:19:44 Elite Auto

8:21:03 Special Touch Cleaning

8:25:28 Jim Price

8:25:59 Modern Smoking Solutions

#### ELITE AUTO

Support for this station today is coming from Elite Auto. Hi, I'm Anthony Mayo from Elite Auto here in Charlottesville. I've loved cars since I was a kid, fixing them when they don't run, making them look new after they've been in an accident, restoring them when they get old. Here at Elite we're primarily a body shop but we have the expertise and technology in house to virtually fix any automotive issue, the first time, every time. Whether you had an accident or just hearing a strange noise, before you visit other shops or after, I invite you to bring your vehicle to Elite Auto. You can reach Elite Auto at elite auto dot net, at 434-296-2948 or you can go by and see them at 22 Rosa Terrace off Sixth Street Southeast Charlottesville. That's Elite Auto

#### SPECIAL TOUCH CLEANING

Special Touch Cleaning supports this station. Is cleaning your business, if it isn't then why do you spend so much time doing it. You don't have to you know, not when there's an expert cleaning team out there that's been keeping area businesses homes and even vehicles clean for almost 25 years. Special touch takes care of floors, your carpets, windows and bathrooms and can give your business just what it says in their name. You can google Special Touch Charlottesville to get in touch or you can call them at 823-8222 that's Special Touch Cleaning.

#### JIM PRICE

Hey boss I just sold a Santa Fe and cleared out 50 more square feet. Hey if you've driven down 29 north lately you've seen the construction at the Jim Price dealerships. While their building a facility for the 21<sup>st</sup> century it's construction reduction. If I could sell those two Konas over there the Grub Hub guy could get in here. You can go online or stop in today to see what they'll do to clear some space or make a new Hyundai yours during construction reduction. Price Hyundai supports this station and invites you to be on the lookout for the all new Price Hyundai coming this fall.

## MODERN SMOKING SOLUTIONS

Making the switch to vaping can be tough, but that's why Modern Smoking Solutions Charlottesville's premier vape shop is here to help. Locally owned and with a knowledgeable staff, Modern Smoking Solutions has large availability of the devices for you to choose from. Modern Smoking Solutions excellent staff help you get started today. That's Modern Smoking Solutions open seven days a week at nineteen twenty-one Commonwealth drive Charlottesville in Stoneridge shopping center. Be sure to check them out on Facebook, you can reach them at 434-882-vape. Modern Smoking Solutions, supporting this station.

8/26/19

4pm hour (all exact times are from the recordings and may be slightly different from air times)

4:09:28	Anytime Fitness
4:10:08	Freebridge Auto
4:10:35	Modern Smoking Solutions
4:28:53	Monster Jam
4:35:21	Dominos
4:35:54	Price Kia

## ANYTIME FITNESS

Anytime Fitness supports this station. Hi, I'm Brandon from Anytime Fitness just off Richmond Road on Pantops. Here at Anytime Fitness we've got over 2,000 square feet of cardio and resistance machines, plus free weights and other equipment to help you get in shape or stay in shape, plus we have personal training, small group training, yoga and we're open twenty four seven so you can work out on your schedule. That's why we call it anytime fitness. I invite you to call me personally at 971-5566 to let me show you why Anytime Fitness should be your gym. You can learn more at anytimefitness.com. That's Anytime Fitness on Pantops, 29 north and in Ruckersville. All services or offers not available at every location.

## FREEBRIDGE AUTO

101 Jamz is supported by Freebridge Auto. Freebridge asks three questions, have a job, have a couple of bucks, need a car? If the answers are yes, they can help. Sales, service and financing are what Freebridge is all about and after the sale, Freebridge earns its "A" plus rating from the Better Business Bureau. Since 1993 their motto has been everybody rides and you can find out why at Freebridge Auto 1400 Richmond Road and at everybodyrides.com. That's Freebridge Auto.

## MODERN SMOKING SOLUTIONS

Making the switch to vaping can be tough, but that's why Modern Smoking Solutions Charlottesville's premier vape shop is here to help. Locally owned and with a knowledgeable staff, Modern Smoking Solutions has large availability of the devices for you to choose from. Modern Smoking Solutions excellent staff help you get started today. That's Modern Smoking Solutions open seven days a week at nineteen twenty-one Commonwealth drive Charlottesville in Stoneridge shopping center. Be sure to check them out on Facebook, you can reach them at 434-882-vape. Modern Smoking Solutions, supporting this station.

## KINGS DOMINION MONSTER JAM

Monster Jam roars into Kings Dominion this summer July twentieth through September second. Get up close, sit in and even ride in some of your favorite Monster Jam trucks at this all new limited experience. Don't miss any of the excitement or activities of this full throttle fun for the whole family. Monster Jam Thunder Alley includes full adrenaline charge experiences plus some of the exciting food, beverages and souvenirs found at Monster Jam live events and unique items exclusive to this event.

## DOMINOS PIZZA RECRUITMENT

Oh yeah now's a chance to join with a good locally owned company in the area. Dominos is looking for delivery drivers to get paid cash after every shift. Make great money with flexible hours, be a part of the most high energy team around with lots of opportunity for you to advance. In fact, back in the day most of our local owners started as drivers. Now's the time for you to get started at one of the thirteen owned Dominos in the area. Deliver and get paid. Dominos is hiring now go to [jobs dot dominos dot com](http://jobs.dominos.com) to apply, that's [jobs dot dominos dot com](http://jobs.dominos.com) to apply. Dominos is an equal opportunity employer. Dominos supports this station.

## PRICE KIA

Now available from Price Kia in Charlottesville it's the new Kia Soul. Redesigned for twenty twenty with an alternative lift gate and new driver assistant systems, this Soul is Kia's small SUV and features your choice of one point six or two litre engines delivering up to 201 horse power and up to 33 mpg and you can get your stuff in it with over 60 cubic feet of cargo space. Optional features include GT turbo, handsome display and ten and a quarter inch wide screen. Warranty and rebate info is at [price kia dot com](http://pricekia.com). That's Price Kia, 1390 Richmond Road, supporting this station.

(CONTINUED NEXT PAGE)

8/27/19

7am hour (all exact times are from the recordings and may be slightly different from air times)

7:38:10 Price Kia

7:38:50 Able Insurance

7:39:39 Kings Dominion Monster Jam

7:40:25 Outback

#### PRICE KIA

Price Kia supports local nonprofits like this radio station. Hi, I'm Damian Weaver sales and finance specialist at Price Kia here to tell you about the new twenty twenty Telluride an SUV that's equally suited for long trips and off road adventures. While the new Telluride sports the one hundred fourteen-inch wheel base, a two hundred ninety-one horsepower three point eight liter V six and all-wheel drive, it gets up to twenty six MPG. Inside you'll find leather seats for up to eight, a ten-point two-inch main display and state of the art driver assistants features and smart cruise. I personally invite you to come in today to test the twenty twenty Telluride SUV. You can find Price Kia at thirteen ninety Richmond Road on Pantops and at price kia dot com.

#### ABLE INSURANCE

What's up Charlottesville! Did you know that you could shop local for car insurance? Able Insurance can get you the coverage you need for anything on wheels. Whether it's a Honda a sports bike a Benz or four by four pickup truck. Able Insurance has you covered with all sorts of auto insurance plans as well as home, business and life insurance plans, not to mention same day personal service right here in Charlottesville. Nine seven nine zero eight one four is the number, able insurance dot com is the site.

#### KINGS DOMINION MONSTER JAM

Monster Jam roars into Kings Dominion this summer July twentieth through September second. Get up close, sit in and even ride in some of your favorite Monster Jam trucks at this all new limited experience. Don't miss any of the excitement or activities of this full throttle fun for the whole family. Monster Jam Thunder Alley includes full adrenaline charge experiences plus some of the exciting food, beverages and souvenirs found at Monster Jam live events and unique items exclusive to this event.

(CONTINUED NEXT PAGE)



## OUTBACK STEAKHOUSE

When you think of the Outback Steakhouse, you think of steaks right? And you should. But what the Outback secret seasonings have done for their sirloins, ribeye's and filet mignons, they've also done to the Outback's burgers and wings, made from premium sustainably raised beef. You'll find the Outback Steakhouse in Charlottesville on twenty-nine north at Seminole Court Across from Northrop Grumman. That's the Outback Steakhouse for takeout and delivery. More including offers and rewards is at [outback dot com](http://outback.com).

8/27/19

5pm hour (all exact times are from the recordings and may be slightly different from air times)

5:32:59 Price Hyundai

5:33:34 Elite Auto

5:35:07 Modern Smoking Solutions

## PRICE HYUNDAI

Price Hyundai supports this station. Finally the wait is over the new for twenty twenty Hyundai Palisade eight seat SUV is here. The Palisade is available with third row power folding seats, safe exit assist and rear occupant alert and you'll always be informed with the Palisade's fully digital instrument cluster ten and a quarter inch info screen, in car intercom and full connectivity. Life meets style in the new twenty twenty Palisade. Available for a look right now at [jim price hyundai dot com](http://jimpricehyundai.com) or for a test drive at Price Hyundai on twenty nine north.

## ELITE AUTO

Support for this station today is coming from Elite Auto. Hi, I'm Anthony Mayo from Elite Auto here in Charlottesville. I've loved cars since I was a kid, fixing them when they don't run, making them look new after they've been in an accident, restoring them when they get old. Here at Elite we're primarily a body shop but we have the expertise and technology in house to virtually fix any automotive issue, the first time, every time. Whether you had an accident or just hearing a strange noise, before you visit other shops or after, I invite you to bring your vehicle to Elite Auto. You can reach Elite Auto at [elite auto dot net](http://eliteauto.net), at 434-296-2948 or you can go by and see them at 22 Rosa Terrace off Sixth Street Southeast Charlottesville. That's Elite Auto

## MODERN SMOKING SOLUTIONS

Making the switch to vaping can be tough, but that's why Modern Smoking Solutions Charlottesville's premier vape shop is here to help. Locally owned and with a knowledgeable staff, Modern Smoking Solutions has large availability of the devices for you to choose from.

Modern Smoking Solutions excellent staff help you get started today. That's Modern Smoking Solutions open seven days a week at nineteen twenty-one Commonwealth drive Charlottesville in Stoneridge shopping center. Be sure to check them out on Facebook, you can reach them at 434-882-vape. Modern Smoking Solutions, supporting this station.

**DECLARATION UNDER PENALTY OF PERJURY**

**I, Michael Chiumento, under penalty of perjury, declare as follows:**

**1. I am employed as General Manager by Tidewater Communications, LLC ("Tidewater"), which owns and operates radio stations in the Charlottesville, Virginia, radio market.**

**2. I have listened to the programs broadcast by Low Power FM Station WVAI on the dates noted 8/23/19, 8/26/19, 8/27/19. I also transcribed the announcements as indicated.**

**3. The attached transcripts set out in written form the material broadcast on the Low Power FM Station on the date and at the time indicated. In order to shorten the time needed to audition the recordings, I removed some of the musical material but did not alter the announcements broadcast.**

**Executed this 3rd day of September, 2019.**



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**[Name of Declarant]**

**ATTACHMENT 7**

**WPVC-LP Commercial Transcripts**

WPVC

8/23/19

5pm hour (all exact times are from the recordings and may be slightly different from air times)

5:00:25	Pearl Island
5:01:04	Edgecomb's Auto
5:20:24	Price Hyundai
5:20:59	Hamiltons
5:28:39	Guadalajara Restaurant
5:29:21	Central Battery
5:45:55	Outback Steakhouse

#### PEARL ISLAND

Pearl Island restaurant and catering supports ninety four seven. Hi, I'm Sober, owner of Pearl Island a Caribbean inspired catering company and restaurant in the Jefferson School City Center inviting you in to enjoy some of our Caribbean platters including our slow roasted pork Hattian chicken and vegan creole beans. You can experience Caribbean culture right here in Charlottesville Monday through Friday from eleven am til two pm and from five pm til eight pm. Delivery is available through Grub Hub we also cater for large and small events and are at the farmers market on Saturdays and UVA market on Thursdays from eleven til two. You can learn more at pearl island catering dot com or at Pearl Island's Facebook page.

#### EDCOMB'S IMPORTED AUTO

It's Edgecombs Imported Auto General Manager Sherry Edgecomb. You like technology, right? Well it's everywhere, in our phones, on our desks and especially in our cars. If you're like most people cars were already a mystery before microprocessors controlled everything. At Edgecomb's Imported Auto we understand cars and technology and we understand people. We'll work with you to maintain your car. Edgecomb's trained technicians have state of the art equipment to fully diagnose your car, plus our service advisors are ready to explain the function of components and help you decide your options. You can think of us as translators for your car. Edgecomb's services all makes and models, provides loaner cars and will always give you an estimate before making repairs. You can call us at two nine five fifteen seventy to schedule an appointment or schedule on line at edcombs dot com. You can learn more at edcombs dot com. Supporting ninety four seven WPVC.

## PRICE HYUNDAI

Price Hyundai supports this station. Finally the wait is over the new for twenty twenty Hyundai Palisade eight seat SUV is here. The Palisade is available with third row power folding seats, safe exit assist and rear occupant alert and you'll always be informed with the Palisade's fully digital instrument cluster ten and a quarter inch info screen, in car intercom and full connectivity. Life meets style in the new for twenty twenty Palisade. Available for a look right now at jim price hyundai dot com or for a test drive at Price Hyundai on twenty-nine north.

## HAMILTONS

Support today is coming from Hamilton's at first and main. Celebrating over twenty years of contemporary American fine dining on Charlottesville's historic downtown mall. At Hamilton's you'll find inspired seafood, steaks and vegetarian fare with a full bar and eclectic wine list and always attentive service. Hamilton's supports sustainability and food production, transportation and preparation and in the community at large. You can see the lunch and dinner menus, make a reservation or book the private dining space for your function. All at hamiltons restaurant dot com, that's hamiltons restaurant dot com.

## GUADALAJARA RESTAURANT

If you search for Charlottesville Mexican food, you'll go to website with just that name, it's the website for Guadalajara Restaurant. Serving authentic Mexican food in Charlottesville since the eighties. Guadalajara is near you right now with four locations. On Greenbrier Drive just off twenty-nine, on Fontaine near UVA, on Pantops and the original downtown at eight oh six East Market, which despite what you may have heard will be open at least through twenty twenty-one. Guadalajara's menu features their lunch and dinner menus, vegetarian and kids' offerings, plus chef specials. When you think Mexican all you need to remember is Charlottesville Mexican food dot com. Guadalajara supports this station and is open eleven til ten, eleven thirty til nine thirty Sundays. That's Guadalajara Restaurant.

## CENTRAL BATTERY

For over thirty years people in Charlottesville have known that the place to go for batteries big and small is Central Battery the battery specialist. Now Central Battery is in their new location at seven fifty Harris Street, still in the middle of everything in Charlottesville. Whether you need a battery for a car or a phone, Central Battery probably has it in stock right now and they install what they sell right on the spot. That's Central Battery powering your unplugged world since 1986 and now in their new location at seven fifty Harris Street. You can find our more at central battery dot net.

## OUTBACK STEAKHOUSE

When you think of the Outback Steakhouse, you think of steaks right? And you should. But what the Outback secret seasonings have done for their sirloins, ribeye's and filet mignons, they've also done to the Outback's burgers and wings. You're invited in today to try their Kookaburra Wings and Bloomin Burger made from premium sustainably raised beef. You'll find the Outback Steakhouse in Charlottesville on twenty-nine north at Seminole Court across from Northrop Grumman. That's the Outback Steakhouse for takeout and delivery. Offers and rewards are at [outback dot com](http://outback.com).

8/24/19

7am hour (all exact times are from the recordings and may be slightly different from air times)

7:36:11 Price Hyundai

## PRICE HYUNDAI

Price Hyundai supports this station through four generations and for nearly twenty-five years the Accent has been Hyundai's basic ride, wanna know what's basic now in the redesigned fifth generation? How bout a one point six litre direct injection engine and six speed transmission with available sport mode and up to thirty-eight mpg. How bout four-wheel disc brakes, keyless entry, android auto and apple car play and available front collision avoidance. When you add three years of Hyundai's blue link enhanced roadside assistance and 100,000 thousand mile powertrain warranty, your research will bring you to Price Hyundai on twenty nine north to test drive the new Hyundai Accent today. You can learn more at [jim price auto dot com](http://jimpriceauto.com).

8/26/19

7am hour (all exact times are from the recordings and may be slightly different from air times)

7:01:22 VU Noodles

7:15:43 Orzo Kitchen

7:16:17 At Last Hair

7:29:34 Spectacle Shop

## VU NOODLES

Support for ninety four seven today is coming from VU Noodles in the Jefferson School with onsite parking and on second street north east across from Fellini's. At VU Noodles you'll find Vietnamize fusion, plenty of vegan, vegetarian and gluten free options available with catering available for groups up to thirty. Plus delivery is available with no minimums through Grub Hub. Your invited to check the menu at VU that's v u noodles dot com. Whether it's a business lunch downtown or a quick snack from the take-out window, you're invited to VU Noodles where you may come for the food, but you'll stay for the friends. That's VU Noodle.

## ORZO KITCHEN

Support for this station today is from Orzo Kitchen and wine bar a modern Mediterranean dining experience awaits when you visit Orzo. With sustainably sourced ingredients for all their meat, poultry, seafood and vegetarian creations, Orzo is a neighborhood gathering place and a serious dining experience and is open every day for dinner and for lunch Monday through Friday in the Main Street Market. Orzo also has private dining areas available for your special event. You can learn more and browse the menu at orzo kitchen dot com. That's Orzo Kitchen and wine bar now serving on the outdoor patio.

## AT LAST HAIR

At last. There's the hair color studio that provides the look that imparts intensity, depth and dimension. At last. There's the studio that provides hair cuts and the take home products you need to keep your look. At last. There's a studio with a relaxed atmosphere, beverages, chocolate, Wi-Fi and a computer automated appointment and reminder system. At Last hair color studio is in the Millmont Shops with off street parking right in front. Gena Mills and At Last support ninety four seven WPVC. More is at last hcs dot com.

## SPECTACLE SHOP

Do I really like this view, hey did you see the game last night, yeah I'll take a look at it tomorrow. Ever notice how much life involves your vision whether you're near sighted, far sighted or just need some sunglasses, the Spectacle shop in Charlottesville has been serving the area since 1984. Their licensed opticians have hundreds of years of experience between them and are committed to taking the time to select eyewear that fits your style from brands like Gucci, Silhouette and Ray Ban the Spectacle Shop supports this station and invites you into a location near you at the Shoppes in Millmont near UVA, in Berkmar Circle on twenty nine North and the Spectacle Shop outlet on East Market Street downtown. More is at spec shop dot net.



8/26/19

5pm hour (all exact times are from the recordings and may be slightly different from air times)

5:30:06 Crazy Horse Studio

5:57:48 Price Hyundai

5:58:23 Mels Café

### CRAZY HORSE STUDIO

When Crazy Horse Studio wants to get the word out about their t-shirts, polos, hats and other promotional items they support this station and when we need to tell the world about us, we count on Crazy Horse Studio. Crazy Horse carries the apparel brands you know and trust and has a professional design staff on site right here in Charlottesville. Crazy Horse has served the area for over thirty years and you can learn more at crazy horse studio dot com, find their Facebook page or by stopping by Crazy Horse Studio seventeen eighteen Hydraulic Road next to Whole Foods.

### PRICE HYUNDAI

Price Hyundai supports this station through four generations and for nearly twenty-five years the Accent has been Hyundai's basic ride, wanna know what's basic now in the redesigned fifth generation? How bout a one point six litre direct injection engine and six speed transmission with available sport mode and up to thirty-eight mpg. How bout four-wheel disc brakes, keyless entry, android auto and apple car play and available front collision avoidance. When you add three years of Hyundai's blue link enhanced roadside assistance and 100,000 thousand mile powertrain warranty, your research will bring you to Price Hyundai on twenty nine north to test drive the new Hyundai Accent today. You can learn more at jim price auto dot com.

### MELS CAFÉ

With more restaurants per capita than New York, you can find almost anything you want in Charlottesville from fast food to pop cuisine. Not to be lost in the shuffle is Mels Café seven nineteen West Main with down home food as close as you can get to homemade without the home. Mel serves his personal recipe fried chicken and stewed tomatoes, burgers that didn't start out at a restaurant supply wholesaler, plus collard greens, sweet potato pie and Mels very

own grilled donuts. The tourist sites have all discovered it, now you should too. Mels Café,  
seven nineteen West Main, open daily ten to ten, ten to eleven Thursday through Saturday.  
That's Mels Café supporting ninety four seven WPVC

**DECLARATION UNDER PENALTY OF PERJURY**

**I, Michael Chimento, under penalty of perjury, declare as follows:**

**1. I am employed as General Manager by Tidewater Communications, LLC (“Tidewater”), which owns and operates radio stations in the Charlottesville, Virginia, radio market.**

**2. I have listened to the programs broadcast by Low Power FM Station WPVC on the dates noted 8/23/19, 8/24/19, 8/26/19. I also transcribed the announcements as indicated.**

**3. The attached transcripts set out in written form the material broadcast on the Low Power FM Station on the date and at the time indicated. In order to shorten the time needed to audition the recordings, I removed some of the musical material but did not alter the announcements broadcast.**

**Executed this 3rd day of September, 2019.**



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**[Name of Declarant]**

**ATTACHMENT 8**

**WREN-LP Commercial Transcripts**

WREN

8/23/19

5pm hour (all exact times are from the recordings and may be slightly different from air times)

5:54:57 Price Kia

5:55:31 Hampton Inn

5:56:03 Outback Steakhouse

### PRICE KIA

Support for this station today is from Price Kia home of the new twenty nineteen Kia Optima LX, a mid sized sedan now with up to thirty-seven mpg. Wanna buy one, wanna lease one? As much as we'd like to give you the details here, we don't want you crashing what you're driving now. So once you stop, you need to go online to price kia dot com to find out how Price can get you into a new twenty nineteen Kia Optima LX right now or you can stop in at Price Kia thirteen ninety Richmond Road on Pantops. That's Price Kia.

### HAMPTON INN

Support for this station comes from Hampton Inn and Suites at the University. Whether you have relatives coming to visit or out of town coworkers in town for a meeting or even if you're listening from a long way off on the internet and are planning to visit Charlottesville, the Hampton Inn and Suites university has everything you need and is close to everything and walking distance from both downtown and UVA. The Hampton has single rooms, multi bedroom suites with kitchens, meeting spaces, an exercise room and laundry facilities with wifi everywhere. You can learn more at hamp suites dot com. That's the Hampton Inn and Suites University. Nine hundred west main street Charlottesville.

### OUTBACK STEAKHOUSE

When you think of the Outback Steakhouse, you think of steaks right? And you should. But what the Outback secret seasonings have done for their sirloins, ribeye's and filet mignons, they've also done to the Outback's burgers and wings. You're invited in today to try their Kookaburra Wings and Bloomin Burger made from premium sustainably raised beef. You'll find the Outback Steakhouse in Charlottesville on twenty-nine north at Seminole Court across from Northrop Grumman. That's the Outback Steakhouse for takeout and delivery. Offers and rewards are at outback dot com.

8/24/19

6am hour (all exact times are from the recordings and may be slightly different from air times)

6:56:02 Blue Ridge Services

6:56:33 Special Touch Cleaning

### BLUE RIDGE SERVICES

Support today is coming from Blue Ridge Services. You know when it comes to your HVAC system out of sight, out of mind isn't really a strategy. But since you probably have other things on your mind, why not leave it to the experts to keep your system at peak performance. At Blue ridge services they offer annual maintenance plans and fast professional service when there's a problem. Blue Ridge Services are also the folks to call for new business and residential installation and are factory authorized reps of the Carrier line of HVAC products. You can learn more at [blue-ridge-services-inc.com](http://blue-ridge-services-inc.com).

### SPECIAL TOUCH CLEANING

Special Touch Cleaning supports this station. Is cleaning your business, if it isn't then why do you spend so much time doing it. You don't have to you know, not when there's an expert cleaning team out there that's been keeping area businesses homes and even vehicles clean for almost 25 years. Special touch takes care of floors, your carpets, windows and bathrooms and can give your business just what it says in their name. You can google Special Touch Charlottesville to get in touch or you can call them at 823-8222 that's Special Touch Cleaning.

8/24/19

3pm hour (all exact times are from the recordings and may be slightly different from air times)

3:55:56 Price Kia

#### PRICE KIA

Now available from Price Kia in Charlottesville it's the new Kia Soul. Redesigned for twenty twenty with an alternative lift gate and new driver assistant systems, this Soul is Kia's small SUV and features your choice of one point six or two litre engines delivering up to 201 horse power and up to 33 mpg and you can get your stuff in it with over 60 cubic feet of cargo space. Optional features include GT turbo, handsome display and ten and a quarter inch wide screen. Warranty and rebate info is at [pricekia.com](http://pricekia.com). That's Price Kia, 1390 Richmond Road, supporting this station.

8/26/19

7am hour (all exact times are from the recordings and may be slightly different from air times)

7:53:41 Elite Auto

7:54:22 Rebecca's Natural Food

#### ELITE AUTO

Support for this station today is coming from Elite Auto. Hi, I'm Anthony Mayo from Elite Auto here in Charlottesville. I've loved cars since I was a kid, fixing them when they don't run, making them look new after they've been in an accident, restoring them when they get old. Here at Elite we're primarily a body shop but we have the expertise and technology in house to virtually fix any automotive issue, the first time, every time. Whether you had an accident or just hearing a strange noise, before you visit other shops or after, I invite you to bring your vehicle to Elite Auto. You can reach Elite Auto at [eliteauto.net](http://eliteauto.net), at 434-296-2948 or you can go by and see them at 22 Rosa Terrace off Sixth Street Southeast Charlottesville. That's Elite Auto

#### REBECCA'S NATURAL FOOD

Since nineteen eighty-seven Rebecca's Natural Food has been offering selected local foods, essential vitamins and beneficial supplements to our community. Rebecca's staff and ownership show their community involvement everyday by assisting local schools, co-op's and nonprofits and civic groups through donations and sponsorships. At Rebecca's keeping local dollars local is what they do. Rebecca's Natural Food supports this station and invites you to check out this months featured products by visiting [rebeccasnaturalfood.com](http://rebeccasnaturalfood.com), calling them at four three

four nine seven seven one nine six five or by stopping in to see them in the Barracks Road Shopping center near Kroger and Hot Cakes. That's Rebecca's Natural Food.

8/26/19

3pm hour (all exact times are from the recordings and may be slightly different from air times)

3:52:07 Elite Auto

3:52:37 Plan 9

#### ELITE AUTO

Have a classic car, hey even if it's not a fifties vet or a sixties Mustang and it's just special to you, the all new Elite Auto Restoration is the areas choice for bringing classics back to their full glory. From under the hood to the undercarriage to the wheels and the finish under the hood, Elite can repair and restore your cherished vehicle in a way that maintains and preserves its original beauty. That's Elite Auto Restoration twenty-two Rosa Terrace off Sixth Street south east Charlottesville and at elite auto restorations dot net supporting this station.

#### PLAN 9

Plan 9 music supports this station and asks what's your musical thing. Is it Count Basie, Count Five or Body Count. Whatever it is, if you like to hold music in your hand, read album covers or just enjoy the pure sound of CD's to the warm sounds of vinyl, then Plan 9 music is the place to go. Old, new, rare or classic, Plan 9 can special order anything and Plan 9 pays cash for used vinyl and CD's and has new and vintage audio gear. Plan 9 is in the Seminole Square Shopping Center near the old Giant Food and at plan the number nine music dot com.

8/26/19

5pm hour (all exact times are from the recordings and may be slightly different from air times)

5:53:22 Rebecca's Natural Food

5:59:03 Spectacle Shop



## REBECCA'S NATURAL FOOD

Since nineteen eighty-seven Rebecca's Natural Food has been offering selected local foods, essential vitamins and beneficial supplements to our community. Rebecca's staff and ownership show their community involvement everyday by assisting local schools, co-op's and nonprofits and civic groups through donations and sponsorships. At Rebecca's keeping local dollars local is what they do. Rebecca's Natural Food supports this station and invites you to check out this months featured products by visiting rebeccas natural food dot com, calling them at four three four nine seven seven one nine six five or by stopping in to see them in the Barracks Road Shopping center near Kroger and Hot Cakes. That's Rebecca's Natural Food.

## SPECTACLE SHOP

Do I really like this view, hey did you see the game last night, yeah I'll take a look at it tomorrow. Ever notice how much life involves your vision whether you're near sighted, far sighted or just need some sunglasses, the Spectacle shop in Charlottesville has been serving the area since 1984. Their licensed opticians have hundreds of years of experience between them and are committed to taking the time to select eyewear that fits your style from brands like Gucci, Silhouette and Ray Ban the Spectacle Shop supports this station and invites you into a location near you at the Shoppes in Millmont near UVA, in Berkmar Circle on twenty nine North and the Spectacle Shop outlet on East Market Street downtown. More is at spec shop dot net.

8/27/19

9am hour (all exact times are from the recordings and may be slightly different from air times)

9:50:06      Blue Ridge Services

9:51:26      Outback Steakhouse

## BLUE RIDGE SERVICES

Support today is coming from Blue Ridge Services. You know when it comes to your HVAC system out of sight, out of mind isn't really a strategy. But since you probably have other things on your mind, why not leave it to the experts to keep your system at peak performance. At Blue ridge services they offer annual maintenance plans and fast professional service when there's a problem. Blue Ridge Services are also the folks to call for new business and residential installation and are factory authorized reps of the Carrier line of HVAC products. You can learn more at blue ridge services inc dot net.

## OUTBACK STEAKHOUSE

When you think of the Outback Steakhouse, you think of steaks right? And you should. But what the Outback secret seasonings have done for their sirloins, ribeye's and filet mignons, they've also done to the Outback's burgers and wings. You're invited in today to try their Kookaburra Wings and Bloomin Burger made from premium sustainably raised beef. You'll find the Outback Steakhouse in Charlottesville on twenty-nine north at Seminole Court across from Northrop Grumman. That's the Outback Steakhouse for takeout and delivery. Offers and rewards are at [outback dot com](http://outback.com).

**DECLARATION UNDER PENALTY OF PERJURY**

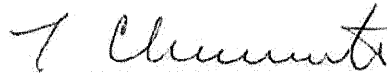
**I, Michael Chimento, under penalty of perjury, declare as follows:**

**1. I am employed as General Manager by Tidewater Communications, LLC ("Tidewater"), which owns and operates radio stations in the Charlottesville, Virginia, radio market.**

**2. I have listened to the programs broadcast by Low Power FM Station WREN on the dates noted 8/23/19, 8/24/19, 8/26/19, 8/27/19. I also transcribed the announcements as indicated.**

**3. The attached transcripts set out in written form the material broadcast on the Low Power FM Station on the date and at the time indicated. In order to shorten the time needed to audition the recordings, I removed some of the musical material but did not alter the announcements broadcast.**

**Executed this 3rd day of September, 2019.**



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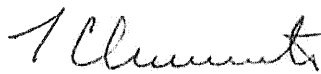
**[Name of Declarant]**

**DECLARATION OF MICHAEL CHIUMENTO**

Michael Chiumento, under penalty of perjury, declares as follows:

I am a vice president of Tidewater Communications, LLC, licensee of commercial radio stations in the Charlottesville, Virginia, radio market. I am General Manager of those stations. I have read a draft of the foregoing Consolidated Petition to Deny and the statements made therein are true and correct to the best of my knowledge.

Executed this 3rd day of September, 2019.



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Michael Chiumento

**CERTIFICATE OF SERVICE**

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing “Consolidated Petition to Deny” was mailed by First Class U.S. Mail, postage prepaid (or via hand delivery if marked with an asterisk), this 3<sup>rd</sup> day of September, 2019, to the following:

Albert Shuldiner, Esquire \*  
Chief, Audio Division, Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC. 20554

Michael Wagner, Esquire \*  
Assistant Chief, Audio Division, Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC. 20554  
(Copy of Thumb Drive of Recordings  
Hand-Delivered with Copy of Petition  
only to Mr. Wagner)

Blue Ridge Free Media  
c/o Michael C. Friend, President  
394 Hillsdale Drive  
Charlottesville, VA 22901


Air Mix Virginia  
c/o Travis Dyer, Board Member  
and Joseph Middleton, President  
394 Hillsdale Drive  
Charlottesville, VA 22901

Promise Land Communications  
c/o Jeffrey T. Lerner, President  
394 Hillsdale Drive  
Charlottesville, VA 22901

Genesis Communications  
c/o Sharon Pearson Hall, President

394 Hillsdale Drive  
Charlottesville, VA 22901

Gateway Media  
Jon Hall, Board Officer  
253 Spring Oaks Ln.  
Ruckersville, VA 22968



Sherry L. Schunemann