

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

In re Application of)	
)	
VANDERBILT STUDENT)	
COMMUNICATIONS, INC.)	
)	
for Assignment of License)	File No. BALED-20120808ABQ
WFCL (FM) 91.1 MHz)	Facility ID No. 69816
Nashville, Tennessee.)	
)	
_____)	

To: Chief, Media Bureau

PETITION TO DENY

WRVU Friends and Family (F&F or Petitioner) here respectfully petitions to deny the assignment of WFCL (FM-Ed.), formerly WRVU (FM-Ed), Nashville, Tennessee, from Vanderbilt Student Communications, Inc. to Nashville Public Radio. This petition is submitted pursuant to Section 309(d) of the Communications Act, 47 U.S.C. Sec. 309(d) and Section 73.3584 of the Commission's Rulers and Regulations, 47 C.F.R. Sec. 73.3584, and is timely.

Petitioner has pending a petition to deny the application for renewal of the license to WFCL. Many of the contentions in our previous petition pertain directly to the question of whether or not the Commission can make the required public interest determinations in this proposed assignment.

Specifically, we have presented probative evidence that the parties hereto had entered into a management agreement or LMA that, by its terms, stands in violation of several of the Commission's established rules and policies, as well as the more recent restrictions as set forth *In Re: University of San Francisco*, DA 12-725 (Consent Decree & Order, June 7, 2012) (“*In Re: USF*”).

Specifically, we also presented evidence that the station sale was beyond the legal powers of the assigning entity, and that, through extra-legal transformations of control within the board of directors, the board then constituted lacked legal power to execute the assignment as assignor. Moreover, State law required a ratification by the sole member of the entity and, so far as can be determined, this was not done.

We also pointed out that the Buyer, Nashville Public Radio, jointly with assignor, has violated Commission rules by entering into an LMA that assumes full control of the station, and violates policies applicable to such agreements.

Until these contentions are addressed and the renewal application acted upon – whether favorably, unfavorably, or with conditions -- approval of this assignment would be premature.

In the petition to deny renewal, we pointed out that the sale, with its implied loss of local identity and service and consolidation of control, raises fundamental questions about the structure and future of noncommercial, educational radio. These questions should be fully examined in conjunction with both the proposed renewal and the proposed assignment, before irrevocable actions are taken.

For these reasons it is requested that any action with respect to this application not take place, until the issues briefed in our petition to deny the renewal are addressed fully.

Indeed, as we stated, one possible outcome is that the application for renewal will be denied, in which event there will not be a facility to assign.

Respectfully submitted,



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September 12, 2012

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Petition to Deny were mailed by First Class Mail, with postage fully prepaid, on September 12, 2012, to the following:

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