

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

LATINA BROADCASTERS OF DAYTONA
BEACH, LLC,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION, and

UNITED STATES OF AMERICA,

Respondents.

Case Nos. 16-1065, 16-1069

**MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE* IN SUPPORT OF
RESPONDENTS BY ELLIS COMMUNICATIONS KDOC LICENSEE,
LLC; PTP BROADCASTING MANAGEMENT, LLC; AND WRNN
LICENSE COMPANY, LLC**

Pursuant to D.C. Circuit Rule 29(b), Ellis Communications KDOC Licensee, LCC (“Ellis”), PTP Broadcasting Management, LLC (“PTPBM”), and WRNN License Company, LLC (“WRNN”) (collectively, the “Broadcast Television Licensees”) hereby respectfully request leave of this Court to file a brief *amici curiae* in support of the respondent Federal Communications Commission (“FCC”) to Petitioner’s Emergency Motion for Stay Pending Appeal (“Emergency Motion”) in the above-captioned matters and submit the attached corporate disclosure statement and the proposed brief to be submitted.

As an alternative form of relief, the Emergency Motion requests a stay of the broadcast television spectrum incentive auction (“Auction”) to be conducted by the FCC and scheduled to begin March 29, 2016. One element of the showing required to justify such a stay request is that no interested party would be injured by such a stay.¹

The Broadcast Television Licensees are directly or indirectly through entities which they control broadcast television station licensees that have submitted applications to participate in the auction, have made business plans to do so, and must operate under substantial regulatory and business constraint until the Auction is concluded. Neither they nor the individuals and business organizations with whom they do business are able to know whether they will continue to operate (or operate with their current spectrum) until that time.

The Broadcast Television Licensees respectfully submit that, as eligible applicants in the Auction, their views bring an important perspective to the issue of whether interested parties would be injured by the requested stay. For reasons the Broadcast Television Licensees wish to explicate in their *amici* brief, they and all

¹ See *Washington Metro. Area Transit Comm’n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977) (*Holiday Tours*); *Virginia Petroleum Jobbers Ass’n v. Federal Power Comm’n*, 259 F.2d 921, 925 (D.C. Cir. 1958) (*VA Petroleum Jobbers*).

similarly situated broadcast television licensees who have applied to participate in the Auction would be injured by the requested Stay of the Auction.

Accordingly, the Broadcast Television Licensees request leave of this Court to submit their *amici* brief.

Respectfully submitted,

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Dated: March 4, 2016

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LICENSEE, LLC; PTP
BROADCAST MANAGEMENT,
LLC; AND WRNN LICENSE
COMPANY, LLC**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of this Court, the Ellis Communications KDOC Licensee, LLC (“Ellis”), PTP Broadcasting Management, LLC (“PTPBM”), and WRNN License Company, LLC (“WRNN”) hereby submit the following corporate disclosure statement:

Ellis is a Delaware limited liability company.

- Ellis Communications Group, LLC, a Delaware limited liability company, has a 100% ownership interest in Ellis Communications KDOC, LLC (“Ellis”).
- Kelso KDOC Holdco, LLC, a Delaware company, has a 69.20% ownership interest in Ellis Communications Group, LLC.
- KEP VI, LLC, a Delaware limited liability company, has a 17.14% ownership interest in Ellis Communications Group, LLC.

- Kelso AIV VII (KDOC), L.P., a Delaware limited partnership, has a 69.40% ownership interest in Kelso KDOC Holdco, LLC. KIA VII KDOC Sub, LLC, a Delaware limited liability company, and subsidiary of Kelso AIV VII (KDOC), L.P., has a 30.60% ownership interest in Kelso KDOC Holdco, LLC. Together these entities hold a 100% ownership interest in Kelso KDOC Holdco, LLC through Kelso AIV VII (KDOC), L.P.
- Kelso GP VII, L.P., a Delaware limited partnership, is the General Partner of, and has a 100% voting interest in, Kelso AIV VII (KDOC), L.P.
- Kelso GP VII, LLC, a Delaware limited liability company, is the General Partner of, and has a 100% voting interest in, Kelso GP VII, L.P.

Ellis is the licensee of broadcast television station and has submitted an application with the Federal Communications Commission (“FCC”) to participate in the broadcast television spectrum incentive auction (“Auction”), scheduled to commence March 29, 2016, which Petitioner in this proceeding has asked this Court to stay.

PTP Broadcasting Management, LLC (“PTPBM”) is a Florida limited liability company that has no parent company. PTPBM is owned by Marisol Messir (45%); Jose A. Rodriguez (45%); and Sumit Enterprises LLC, a Florida limited liability company (10%). Ms. Messir also owns 50% of Sumit. PTPBM, in turn, holds a 78.43% interest in Prime Time Partners LLC (“PTP”), also a Florida limited liability company. Wholly-owned subsidiaries of PTP (indirectly through another wholly-owned entity) are the licensees of four broadcast television stations, each of which has submitted an application to participate in the Auction. In addition, Ms. Messir, Mr. Rodriguez, and Sumit together directly and indirectly own 77.5% (Ms. Messir 45.0% (not counting her separate interest in Sumit), Mr. Rodriguez 22.5%, and Sumit 10%) of a second company, PTP Broadcasting Management Miami, LLC, which, in turn, has an 80% interest in Prime Time Partners Miami, LLC, the parent company of the licensee of a fifth broadcast television station controlled by Ms. Messir and Mr. Rodriguez. This fifth television station has also submitted an application to participate in the Auction.

WRNN is a wholly-owned subsidiary of WRNN-TV Associated Limited Partnership. The general partner of WRNN-TV Associated Limited Partnership is New Mass Media, Inc. There is no other parent company, and no other entity has a 10% or greater ownership in any of the companies named. WRNN is the licensee

of a television broadcast station and has submitted an application to participate in the Auction.

Respectfully submitted,

By: /s/ Henry Goldberg

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LICENSEE, LLC; PTP

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LLC; AND WRNN LICENSE

COMPANY, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2016, I caused copies of the foregoing Motion for Leave to File Brief *Amici Curiae* in Support of Respondent and Corporate Disclosure Statement to be to be filed with the Clerk of the United States Court of Appeals for the D.C. Circuit via the Court's CM/ECF system, which will send notice of such filing to all counsel who are registered CM/ECF users.

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