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## **Friends of KUSF plans to appeal FCC approval of proposed 90.3FM sale**

SAN FRANCISCO -- June 7, 2012 -- Friends of KUSF intends to appeal Tuesday's approval of the proposed sale of the KUSF-FM 90.3 broadcast license to the full Commission. FCC rules provide for appeals of decisions at the Commission level.

Thursday's announcement by the FCC granted approval to the proposed sale. However, it also revealed a negotiated settlement between the FCC and the parties involved – seller University of San Francisco and buyer Classical Public Radio Network (CPRN) acknowledging the issues raised in petitions filed with the Commission and forcing the parties to pay \$50,000 in fines.

In a statement, Friends of KUSF lawyers Peter Franck and Alan Korn said, “We are profoundly disappointed to learn that a silent agreement was reached between the FCC, the University of San Francisco and Classical Public Radio Network, LLC. Apparently negotiated behind closed doors without the participation of Petitioners, the so-called 'Consent Decree' excuses KUSF's and CPRN's violation of FCC rules with a \$50,000 fine. This fine is less than a slap on the wrist when compared to the \$3.8 million proposed purchase price, high-priced Washington D.C. attorneys' fees and other exorbitant costs spent on this flawed transaction.”

Said Save KUSF spokesman Irwin Swirnoff, “The fine imposed by the FCC's Media Bureau proves that we raised serious questions about this sale and we believe that it's important for the full Commission to address these issues. If this sale is allowed to go through, San Francisco will lose an irreplaceable cultural resource, one that has served minority communities such as Chinese-language speakers for 33 years. We will continue to do everything in our power to stop this sale. USF and CPRN's disrespect to the community cannot go unchallenged.”

The University of San Francisco announced on January 18, 2011, that it was proposing to sell beloved radio station KUSF 90.3 FM to Classical Public Radio Network (CPRN). Since the announcement of the proposed sale, 90.3 FM has been rebroadcasting the formerly commercial programming heard on KDFC 102.1 FM. Friends of KUSF and several other community members immediately organized to stop the

sale. Friends of KUSF filed a “Petition To Deny” the sale at the FCC, as did community members Ted Hudacko and Loren Dobson. Instead of approving the proposed sale in four months, as is typical, the FCC ordered an investigation. The investigation forced hundreds of pages of documents to be turned over from USF and CPRN to the FCC.

Wrote Franck and Korn, “The FCC staff’s decision ignores the policy and rules violations identified in the Petitions by treating this dispute as nothing more than a 'Format Case.' It is well known that the FCC will not review radio station format changes and Friends of KUSF made it clear that they opposed the license transfer based on clear violations of FCC rules, as well as policy concerns regarding the educational nature and purpose of Non Commercial Educational (NCE) stations and the obligation of those stations to broadcast programming that serves local needs and interests. By taking the easy way out the FCC staff has avoided addressing the important legal and policy issues raised by Friends and other petitioners, and allowed two wealthy institutions who openly flouted Commission rules to get off with a slap on the wrist.”

KUSF 90.3 FM is an award-winning non-commercial educational station, broadcasting for over 33 years. KUSF 90.3 FM is world renowned for broadcasting groundbreaking music as well as cultural programs aimed at the diverse San Francisco community. Since the shutdown, San Francisco has been without those programs.

The proposed sale furthers a national trend of treating non-commercial educational licenses as commodities, part of a systemic crisis endangering the left side of the dial, which has traditionally stood for localism and the representation of diverse viewpoints. Several colleges and universities have put their licenses up for sale over the past few years, including KTRU (Rice University, Houston), WRVU (Vanderbilt University, Nashville, Tenn.) and WDUQ (Duquesne University, Pittsburgh).

Since being taken off the air, former KUSF DJs and volunteers as well as members of the community have worked to stop the sale of the license. Partnerships have been established, both locally and nationally, including with WFMU (91.1 Jersey City, N.J./90.1 Hudson Valley, N.Y.), which has been providing an Internet stream, called KUSF in Exile, since March ([www.wfmu.org/kusf.pls](http://www.wfmu.org/kusf.pls)).

Community members have weighed in against the sale, including the San Francisco Board of Supervisors and state Senator Leland Yee. For more information, go to [www.savekusf.org](http://www.savekusf.org).

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