



September 26, 2024

Via ArkCase FOIA Portal

Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Freedom of Information Act Request: Foreign Ownership Reviews in
Radio Station Acquisitions**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 273,000 followers on X, and our Founder and President has over 735,000 followers on X.

I. Background

Audacy, Inc. and its subsidiaries (“Audacy”) make up the second largest radio network in the United States, with more than 200 radio stations across 40 markets. In March 2024, Audacy filed with the Federal Communications Commission (“FCC”) seeking to assign its station licenses to George Soros-funded and controlled entities. To expedite the license transfer, Audacy reportedly sought to temporarily bypass a critical step in the radio license acquisition process. Before radio licenses can transfer to entities that exceed twenty-five percent foreign ownership, section 310(b)(4) of the Communications Act of 1934, 47 U.S.C. § 310(b)(4), requires that national security agencies must conduct a national security review. Ultimately, the FCC may refuse to grant the licenses when the review leads the FCC to determine

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that the transaction to not be in the “public interest.” The national security review is a multi-month process where the national security agencies investigate the foreign funding of the acquiring organization.

The Audacy acquisition has reportedly been “fast-tracked,”¹ with a commission voting along party lines to delay the required national security review even though Soros Fund Management exceeds the twenty-five percent foreign ownership threshold. Delaying this review would allow the immediate transfer of radio licenses that affect millions of American listeners—all in the final weeks before Election Day. If the FCC were to follow its standard procedure and not fast-track this transaction, the licenses would not transfer until after the election. Americans are concerned that an immediate transfer is motivated by a desire to deplatform conservative radio programs before the election, and the immediate transfer also risks surrendering control of American radio waves to foreign entities before national security agencies can properly assess the risk of doing so.

Under the Audacy transaction, the entities Laurel Tree Opportunities Corporation (“Laurel Tree”) and the Soros Management Fund (“SMF”) will effectively control the Audacy’s radio licenses under a reorganized Audacy. Documents submitted to the FCC reveal Laurel Tree and SMF are run by progressive-Democrats George and Alex Soros.² Alex Soros, notably, met with Tim Walz,³ the Vice Presidential nominee for the Democratic Party, at Soros’ home in New York the same day it was reported that the FCC approved the Audacy transaction.⁴

Permitting the licenses to transfer before the section 310(b)(4) national security review is inappropriate and endangers allowing partisan and foreign actors to control American radio and affect our elections. Allowing potential foreign actors to influence control American radio waves by delaying section 310(b)(4) national security reviews is not in the “public interest” of Americans.

¹ Brian Flood, *George Soros Closer to Controlling 200 Radio Stations Despite Objection from Trump-Nominated FCC Commissioner*, FOX NEWS (Sept. 24, 2024), <https://perma.cc/7GYQ-RJSM>. (FCC Commissioner Nathan Simington described the attempt to fast-track the process: “The FCC has a practice of permitting entities temporarily to exceed foreign ownership caps when emerging from bankruptcy—and the majority, over my objection, did so here. But that wasn’t the only way in which this item was ‘fast-tracked’ . . . Commission leadership tried to approve the item at the staff level, with nothing but a 48-hour notice to Commissioners on a summer Friday. There is almost no factual record on the item because there was almost no attempt to do a real public interest analysis . . . Not a single Commissioner outside of the Chairwoman was invited to even think about the issue until staff was directed to handle it on our behalf without our votes. That’s the true ‘fast-track.’”).

² *Audacy - FCC - Long-Form Comprehensive Exhibit* at A-4, A-12, A-15, FCC, <https://perma.cc/4EMP-ECVD>.

³ Alex Soros (@Alexander Soros), X (3:31 PM, Sept 24, 2024), <https://perma.cc/VTE6-EWZ3>.

⁴ Flood, *supra* note 1.

II. Records Request

- A. All records referencing “Audacy” AND “public interest” OR “election” OR “national security.”
- B. All records of waivers, assignment applications, or other records relating to expediting the Audacy transaction.
- C. All records referencing “Audacy” AND “foreign ownership” OR “election” OR “special warrants” OR “public interest” OR “Team Telecom.”
- D. All records referencing foreign ownership review under Section 310(b)(4) of the Communications Act relating to the Audacy transaction or any transaction by the Soros Fund Management.
- E. All records referencing the public interest determination under Section 310(d) of the Communications Act Audacy transaction or any transaction by the Soros Fund Management.
- F. All records of any waivers or expedited processes or special warrants applied to transactions of the Audacy transaction or any transaction by the Soros Fund Management.
- G. All records sufficient to show the total number of license transfers that preceded the section 310(b)(4) national security review.
- H. All records filings showing the ownership of Soros Fund Management and Laurel Tree.
 - a. National Security implications, impacts or findings as they pertain to the “public interest” of the Audacy transaction.
- I. All records referencing Congressman Chip Roy’s April 23, 2024, letter.⁵
- J. All records referencing Senator Ted Cruz’s August 9, 2024, letter.⁶

⁵ Letter from Rep. Chip Roy, to the Hon. Jessica Rosenworcel, Chairwoman, Fed. Commc’n Comm’n (April 23, 2024), <https://perma.cc/KKW4-98T7>.

⁶ Letter from Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Science, and Transp., to the Hon. Geoffrey Starks, Comm’r, Fed. Commc’n Comm’n (July 9, 2024), <https://perma.cc/6K5V-3EBH>; Letter from Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Science, and Transp., to the Hon. Nathan Simington, Comm’r, Fed. Commc’n Comm’n (Aug. 9, 2024), <https://perma.cc/S5QZ-4KUC>.

III. Custodians

- A. All custodians in the Office of the Secretary at GS-14 pay scale and above.
- B. All custodians in the Office of the Commissioners at GS-14 pay scale and above.
- C. All custodians in the Office of International Affairs at GS-14 pay scale and above.
- D. All custodians in the Consumer & Governmental Affairs Bureau at GS-14 pay scale and above.
- E. All custodians in the Media Bureau at GS-14 pay scale and above.
- F. All custodians in the Public Safety & Homeland Security Bureau at GS-14 pay scale and above.
- G. All custodians in the Office of Economics & Analytics Bureau at GS-14 pay scale and above.

IV. Fee Waiver Request

Per 5 U.S.C. § 552(4)(A)(iii) and 47 C.F.R. § 0.470(e), AFL requests a waiver of all search and duplication fees associated with this request. Furthermore, AFL has a demonstrated ability and intention to effectively convey the information broadly to the public. AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. Finally, as a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

V. Request for Expedited Processing

AFL hereby requests expedited processing pursuant to 47 C.F.R. 0.461(h)(3)(ii), "there is an urgency to inform the public concerning actual or alleged Federal Government activity," and AFL is an organization "primarily engaged in disseminating information." Further, this request is urgent and critical to the public's understanding of whether foreign-owned entities will control their radio programming before Election Day and whether the FCC is allowing politics to influence its decision to delay legal requirements for national security reviews.

VI. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Will Scolinos
America First Legal Foundation