

Regulator Revokes Bahamian Sports Radio License

Nassau, The Bahamas : - URCA, The Utilities Regulation & Competition Authority in the Bahamas (equivalent of the FCC) cancelled Sportsradio 103 spectrum license, the country's only sports formatted broadcaster, eventually enforcing the order with a police shut down of the radio station.

Sportsradio 103 created original sports programming for eight years, a joint venture between former Olympian Frank Rutherford & Phil Smith and broadcaster Vann Ferguson & Partner Cheryl Braynon. The duo entered an agreement in 2009 with Rutherford/Smith supplying a government issued "letter of authorization for an FM license" and Ferguson/Braynon providing the funding and operations. However, Rutherford's letter was outdated and had to be grandfathered into a new URCA regime required by the new Communications Act of 2009 empowering URCA with authority to license radio stations. The new Act could only license incorporated companies, Ferguson/Braynon used their company Navette Broadcasting, giving Rutherford & Smith shares and Director positions and in 2010 went on the air with a spectrum license issued to Frank Rutherford & Phil Smith FOR Navette Broadcasting Co. Ltd.

The company operated for eight years as such, listed on URCA's website as the spectrum owner. By 2017 Rutherford & Smith, wanting out of the deal with Navette Broadcasting, with new associates, applied to URCA for "Change of Control of ZSR 103.5FM". URCA appeased, declaring the license void and defective, reissuing the same spectrum frequency (103.5) to Paramount Systems Ltd, a new Rutherford/Smith partnership with Casino Operator Sabaz Bastian.

Navette, in appealing URCA's decision, "to cancel their license without due process or a fair hearing", sought and lost relief from the supreme court on the grounds of jurisdiction with cost, sought and lost relief from URCA Appeals Tribunal with cost, again on the grounds of jurisdiction and refused an application for leave to apply for judicial review by the Supreme Court with cost, over "delayed" filings.

Attorney for Navette Kalil Parker, President of the Bar Association in the Bahamas, has filed an appeal and contends that URCA adjudicated on matters entirely outside of its jurisdiction, The Act mandated applicants must be incorporated entities and URCA failed to acknowledge the license was clearly marked "FOR" Navette Broadcasting Company. The license in dispute was clearly a civil matter and Navette was entitled to due process before being deprived of its license. URCA ought to have recused itself as opposed to acting as arbiter in a private dispute wholly unrelated to regulation. Parker claims URCA erred in their interpretation and use of the Communications Act 27(1)(a) to vary the license if the Applicants license was void as alleged, as revocation would have been appropriate in the circumstances. Therefore 'curing' the alleged defect issuing the same license to Paramount Systems is merely an unlawful and unconstitutional taking of the Applicants property. Navette Broadcasting is out of the radio business. The company is eager to have their day in court and have the substantial case heard. they are presently awaiting a date for the Appeals court in the Bahamas.

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Happier Days; Former NBA player Rick Fox of the Lakers (left) chats it up with SPORTSRADIO 103 morning show host Marcellus Hall (center) and Lawrence Hepburn. The station gave listeners a full day of local programming and a variety of show host covering the gambit of local, US, Caribbean and European sports, Host Ivan "Showtime" Francis notably receiving a call on air from the BBC in London for comments following the Bahamas Men's relay team gold success at the 2012 Olympics.

Reference links: <http://www.tribune242.com/news/2017/nov/03/takeover-defective-but-urca-approves-sebass-radio/>
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