

Edgar Filing: AVIAT NETWORKS, INC. - Form SC 13G

AVIAT NETWORKS, INC.
Form SC 13G
February 15, 2013

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

SCHEDULE 13G

UNDER THE SECURITIES EXCHANGE ACT OF 1934
(AMENDMENT NO.)

AVIAT NETWORKS, INC.
(Name of Issuer)

Class A Common Stock
(Title of Class of Securities)

05366Y102
(CUSIP Number)

December 31, 2012
(DATE OF EVENT WHICH REQUIRES FILING OF THIS STATEMENT)

CHECK THE APPROPRIATE BOX TO DESIGNATE THE RULE PURSUANT TO WHICH THIS SCHEDULE IS FILED:

/X/ RULE 13D-1(B)
/_/ RULE 13D-1(C)
/_/ RULE 13D-1(D)

CUSIP NO. 05366Y102

1 NAME OF REPORTING PERSON
PENN CAPITAL MANAGEMENT

I.R.S. IDENTIFICATION NOS. OF ABOVE PERSON (ENTITIES ONLY).
22-2796848

2 CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP (SEE INSTRUCTIONS)
(a) ☐
(b) ☐

3 SEC USE ONLY

4 CITIZENSHIP OR PLACE OF ORGANIZATION
DELAWARE

5 SOLE VOTING POWER
3,665,602 SHARES

NUMBER OF
SHARES
BENEFICIALLY

6 SHARED VOTING POWER

OWNED BY
EACH
REPORTING
PERSON

7 SOLE DISPOSITIVE POWER
3,665,602 SHARES

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WITH -----
8 SHARED DISPOSITIVE POWER

9 AGGREGATE AMOUNT BENEFICIALLY OWNED BY EACH REPORTING PERSON

3,665,602 SHARES

10 CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (9) EXCLUDES CERTAIN SHARES
(SEE INSTRUCTIONS) |_☐|

11 PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (9)

6.05%

12 TYPE OF REPORTING PERSON (SEE INSTRUCTIONS)

IA

ITEM 1.

(A) NAME OF ISSUER

AVIAT NETWORKS, INC.

(B) ADDRESS OF ISSUER'S PRINCIPAL EXECUTIVE OFFICE

5200 GREAT AMERICA PARKWAY
SANTA CLARA CA 95054

ITEM 2.

(A) NAME OF PERSONS FILING

PENN CAPITAL MANAGEMENT

(B) ADDRESS OF PRINCIPAL BUSINESS OFFICE OR IF NONE, RESIDENCE

NAVY YARD CORPORATE CENTER
THREE CRESCENT DRIVE, SUITE 400
PHILADELPHIA, PA 19112

(C) CITIZENSHIP

DELAWARE

(D) TITLE OF CLASS OF SECURITIES

COMMON STOCK

(E) CUSIP NUMBER

05366Y102

ITEM 3.

IF THIS STATEMENT IS FILED PURSUANT TO RULE 240.13D- 1(B), OR 240.13D-2(B)

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OR (C), CHECK WHETHER THE PERSON FILING IS A:

- (A) ☐ BROKER OR DEALER REGISTERED UNDER SECTION 15 OF THE ACT (15 U.S.C. 78O).
- (B) ☐ BANK AS DEFINED IN SECTION 3(A)(6) OF THE ACT (15 U.S.C. 78C).
- (C) ☐ INSURANCE COMPANY AS DEFINED IN SECTION 3(A)(19) OF THE ACT (15 U.S.C. 78C).
- (D) ☐ INVESTMENT COMPANY REGISTERED UNDER SECTION 8 OF THE INVESTMENT COMPANY ACT OF 1940 (15 U.S.C. 80A-8).
- (E) ☒ AN INVESTMENT ADVISER IN ACCORDANCE WITH 240.13D-1(B)(1)(II)(E).
- (F) ☐ AN EMPLOYEE BENEFIT PLAN OR ENDOWMENT FUND IN ACCORDANCE WITH 240.13D-1(B)(1)(II)(F).
- (G) ☐ A PARENT HOLDING COMPANY OR CONTROL PERSON IN ACCORDANCE WITH 240.13D-1(B)(1)(II)(G).
- (H) ☐ A SAVINGS ASSOCIATION AS DEFINED IN SECTION 3(B) OF THE FEDERAL DEPOSIT INSURANCE ACT (12 U.S.C. 1813).
- (I) ☐ A CHURCH PLAN THAT IS EXCLUDED FROM THE DEFINITION OF AN INVESTMENT COMPANY UNDER SECTION 3(C)(14) OF THE INVESTMENT COMPANY ACT OF 1940 (15 U.S.C. 80A-3).
- (J) ☐ GROUP, IN ACCORDANCE WITH SECTION 240.13D-1(B)(1)(II)(J).

ITEM 4. OWNERSHIP.

PROVIDE THE FOLLOWING INFORMATION REGARDING THE AGGREGATE NUMBER AND PERCENTAGE OF THE CLASS OF SECURITIES OF THE ISSUER IDENTIFIED IN ITEM 1.

- (A) AMOUNT BENEFICIALLY OWNED: 3,665,602 SHARES
- (B) PERCENT OF CLASS: 6.05%
- (C) NUMBER OF SHARES AS TO WHICH THE PERSON HAS:
 - (I) SOLE POWER TO VOTE OR TO DIRECT THE VOTE: 3,665,602 SHARES
 - (II) SHARED POWER TO VOTE OR TO DIRECT THE VOTE:
 - (III) SOLE POWER TO DISPOSE OR TO DIRECT THE DISPOSITION OF: 3,665,602 SHARES
 - (IV) SHARED POWER TO DISPOSE OR TO DIRECT THE DISPOSITION OF:

ITEM 5. OWNERSHIP OF FIVE PERCENT OR LESS OF A CLASS

IF THIS STATEMENT IS BEING FILED TO REPORT THE FACT THAT AS OF THE DATE HEREOF THE REPORTING PERSON HAS CEASED TO BE THE BENEFICIAL OWNER OF MORE THAN FIVE PERCENT OF THE CLASS OF SECURITIES, CHECK THE FOLLOWING /___/.

ITEM 6. OWNERSHIP OF MORE THAN FIVE PERCENT ON BEHALF OF ANOTHER PERSON

NOT APPLICABLE

ITEM 7. IDENTIFICATION AND CLASSIFICATION OF THE SUBSIDIARY WHICH ACQUIRED THE SECURITY BEING REPORTED ON BY THE PARENT HOLDING COMPANY

NOT APPLICABLE

ITEM 8. IDENTIFICATION AND CLASSIFICATION OF MEMBERS OF THE GROUP

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NOT APPLICABLE

ITEM 9. NOTICE OF DISSOLUTION OF GROUP

NOT APPLICABLE

ITEM 10. CERTIFICATION.

BY SIGNING BELOW I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SECURITIES REFERRED TO ABOVE WERE NOT ACQUIRED AND ARE NOT HELD FOR THE PURPOSE OF OR WITH THE EFFECT OF CHANGING OR INFLUENCING THE CONTROL OF THE ISSUER OF THE SECURITIES AND WERE NOT ACQUIRED AND ARE NOT HELD IN CONNECTION WITH OR AS A PARTICIPANT IN ANY TRANSACTION HAVING THAT PURPOSE OR EFFECT.

AFTER REASONABLE INQUIRY AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, I CERTIFY THAT THE INFORMATION SET FORTH IN THIS STATEMENT IS TRUE, COMPLETE AND CORRECT.

DATED: February 14, 2013

BY: /S/ JOHN G. LIVEWELL

NAME: JOHN G. LIVEWELL

BY: CHIEF COMPLIANCE OFFICER