



Federal Communications Commission
Washington, D.C. 20554

November 30, 2021

In Reply Refer To:
1800B3-KN

Village of Rockford
c/o Lisa Kuhn and Chris Rasbach
151 Columbia St.
Rockford, OH 45882

Jim Crocker
Crocker Media Group LLC
15921 St. Rt. 709 Lot 10
Ohio City, OH 45874

In re: WRKD-LP, ROCKFORD, OH
Facility ID No. 196918
Application File No. 0000113385

Renewal of License

Petition to Deny

Dear Applicant and Objector:

We have before us the application of Village of Rockford (Rockford) for renewal of license for low-power FM (LPFM) station WRKD-LP (Rockford Application)¹ and the petition to deny, which we treat as an informal objection (Objection),² filed by Jim Crocker (Crocker) on August 27, 2020. For the reasons set forth below, we dismiss and in the alternative deny the Objection, and we grant the Rockford Application.

Background. Rockford timely filed the Rockford Application on May 7, 2020. In the Objection, Crocker asserts that he entered into an agreement with Rockford on August 21, 2012, in which Crocker would operate the station as general manager and ensure full compliance with the Commission's requirements.³ Crocker claims that Rockford ended this agreement on January 17, 2018.⁴ Upon

¹ Application of Rockford for Renewal of License, Application File No. 0000113385 (filed May 7, 2020) (Rockford Application).

² Petition of Crocker to Deny, Pleading File No. 0000120833 (filed Aug. 27, 2020) (Objection).

³ Objection at 1.

⁴ *Id.*

termination of the agreement, Crocker alleges that he was only “allowed to remove some office equipment at that time” and has not been able to retrieve the rest of the property and equipment he claims he provided.⁵ He asserts that Rockford refuses to return the property and continues to use the equipment without any compensation to Crocker.⁶ Crocker states that he feels that Rockford’s theft of his property and dishonesty in this matter will continue if the FCC grants the Rockford Application.⁷

Discussion. Procedural Matters. We find that the Objection is procedurally defective as a petition to deny. Section 309(d)(1) of the Communications Act of 1934, as amended (Act), authorizes any party in interest to file a petition to deny any application so long as the petition “contain[s] specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be *prima facie* inconsistent with [the public interest].”⁸ The allegations of fact, except for those of which official notice may be taken, must be supported by an affidavit or declaration under penalty of perjury of someone with personal knowledge of the facts alleged.⁹ Here, Crocker did not provide a supporting affidavit and did not assert standing as a party in interest. Additionally, Crocker failed to serve a copy of his pleading on Rockford or its counsel, as required by section 309(d)(1) of the Act and section 1.47 of the rules.¹⁰ Accordingly, we dismiss the pleading as a petition to deny. We will, however, consider the submission as an informal objection pursuant to section 73.3587 of the rules,¹¹ and we deny it for the reasons stated below.

Substantive Matters. Like petitions to deny filed pursuant to section 309(d)(1) of the Act, informal objections must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with section 309(k) of the Act, which governs our evaluation of an application for license renewal.¹² Section 309(k)(1) provides that we are to grant the renewal application if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse.¹³ If, however, the licensee fails to meet that standard, the Commission may deny the application—after notice and opportunity for a hearing under section 309(e) of the Act—or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”¹⁴

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ 47 U.S.C. § 309(d)(1); *see also See Melodie Virtue, Esq.*, 30 FCC Rcd 6045, 6049 (MB 2015) (stating the three ways that a petitioner to deny a broadcast radio application may establish standing as a party in interest).

⁹ *Id.*; *see also Niles Broad. Co.*, 7 FCC Rcd 5959 (1992).

¹⁰ *See id.*; 47 CFR § 1.47.

¹¹ 47 CFR § 73.3587; *Mr. Tom Struhar Kenneth E. Satten, Esq.*, 22 FCC Rcd 6568, 6569 (MB 2007).

¹² 47 U.S.C. § 309(k); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested.).

¹³ *Id.* § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). *See Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, Order, 11 FCC Rcd 6363 (1996).

¹⁴ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

We find that the Objection does not provide properly supported allegations of fact that, if true, would raise a substantial and material question of fact as to whether grant of the Rockford Application is consistent with section 309(k) of the Act. In the Objection, Crocker raises unsupported allegations relating to a dispute between himself and Rockford concerning private property. The Commission has consistently held that “it is not the proper forum for the resolution of such private disputes, and that the parties should seek redress for such matters in local courts of competent jurisdiction.”¹⁵ We find no evidence of serious violations of the Act or the Commission’s rules, nor do we find evidence of other violations which, taken together, constitute a pattern of abuse. Further, we find that WRKD-LP has served the public interest, convenience, and necessity during the subject license term. Therefore, we deny the Objection and grant the Rockford Application.

Conclusions/Actions. Accordingly, IT IS ORDERED that the petition to deny filed by Jim Crocker on August 27, 2020, (Pleading File No. 0000120833) IS DISMISSED as procedurally defective and alternatively DENIED on the merits as an informal objection.

IT IS FURTHER ORDERED that the application for renewal of license of WRKD-LP, Rockford, OH (Application File No. 0000113385) IS GRANTED.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹⁵ *Lauren A. Colby, Esq. et. al.*, 23 FCC Rcd 932, 933 (MB 2008) (citing *John F. Runner, Receiver (KBIF)*, Memorandum Opinion and Order, 36 RR 2d 773, 778 (1976); *Decatur Telecasting, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 8622 (1992)).