

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Georgia Television, LLC	)	LMS File No. 0000128755
	)	Facility ID No. 23960
For Renewal of the License of Television	)	
Broadcast Station WSB-TV, Atlanta, GA	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: June 1, 2023**

**Released: June 1, 2023**

By the Chief, Video Division, Media Bureau:

**I. INTRODUCTION**

1. The Video Division (Division) has before it an application filed by Georgia Television, LLC (the Licensee), licensee of station WSB-TV, Atlanta, Georgia (WSB or the Station), to renew that station’s license (Application),<sup>1</sup> and a petition filed by Darryl Beauford (Beauford or Petitioner) to deny the Application.<sup>2</sup> For the reasons set forth below, we deny the Petition and grant the Application. However, we admonish the Licensee for an apparent violation of the Commission’s public inspection file rules.<sup>3</sup>

**II. BACKGROUND**

2. The Petition details Beauford’s interactions with WSB revolving around Beauford’s contention that in its re-airing on December 25, 2014, of a parade in Atlanta filmed three weeks prior, WSB acted in a discriminatory manner by editing out the performance of a dance group that was shown in the original broadcast. Of relevance here, on that same day Beauford submits that he sent an email expressing his displeasure to WSB General Manager Tim McVay,<sup>4</sup> and filed a consumer complaint with the Commission charging that in its re-airing of the parade, WSB was unfairly biased in its editing of programming.<sup>5</sup> Two days later, according to the Petition, the WSB local programming director called Beauford, and told Beauford he was mistaken about what was actually edited, and that the editing was made for time constraints.<sup>6</sup>

3. According to the Petition, Beauford visited WSB’s main studio on October 23, 2015, to view the station’s public inspection file.<sup>7</sup> After initial difficulty gaining entrance,<sup>8</sup> Beauford states that he told Station personnel that he was there to view the station’s public inspection file from the fourth quarter of 2014 to the second quarter of 2105, including his complaint and the station’s resolution of that

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<sup>1</sup> Application for Renewal of License of WSB-TV (filed Dec. 1, 2020), LMS File No. 0000128755.

<sup>2</sup> Darryl Beauford Petition to Deny (filed Jan. 7, 2021) (Petition), LMS File No. 0000130727.

<sup>3</sup> 47 CFR § 73.3526.

<sup>4</sup> Petition at 12.

<sup>5</sup> *Id.* at 13. Complaint #55980 is attached to the Petition at page 33.

<sup>6</sup> *Id.* at 13-14.

<sup>7</sup> *Id.* at 4-9.

<sup>8</sup> Beauford reports that a security guard initially informed him that he was not allowed inside to look at the Station’s files, and that he had to wait over half an hour to get a response. *Id.* at 4-5.

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complaint.<sup>9</sup> The Petition states that WSB staff eventually told him that its file was online, and to view it at the fcc.gov website.<sup>10</sup>

4. On December 22, 2015, Beauford filed a second consumer complaint, asserting that he was denied access to the public inspection file in his visit to the WSB main studio on October 23, 2015.<sup>11</sup> In this consumer complaint, he submits that he requested to see WSB-TV's public inspection file for the fourth quarter of 2014 through the second quarter of 2015. Unlike the Petition, Complaint #722407 does not indicate any request to see any email correspondence regarding his complaint, or any resolution. The Petition states that in October 2016 he received a phone call from a Commission staffer in which she asked, among other things, about his experiences with WSB, and explained that the Commission has very little authority over the editing of the program because the Communications Act of 1934, as amended (the Act), requires the agency to avoid censorship and respect the constraints on its power imposed under the First Amendment.<sup>12</sup>

5. On October 18, 2016, McVay called Beauford offering him a chance to view the public inspection file, and Beauford visited the WSB main studio to do so on October 28, 2016.<sup>13</sup> The Petition recounts that, on a computer terminal at the Station, Beauford reviewed the December 25, 2014 email that he sent to McVay, and confirmed that it was accurately placed in the public file.<sup>14</sup> According to the Petition, Beauford then unsuccessfully sought access to his complaint and the "Resolution Page" regarding his complaint.<sup>15</sup>

6. On November 22, 2019, the Media Bureau (Bureau) granted an application filed by Apollo Global Management, LLC (Apollo), the current indirect parent of the Licensee, to acquire WSB and other broadcast stations.<sup>16</sup> The *WSB Transfer Order* also denied a petition filed by Beauford, who contended that WSB had violated the Commission's public inspection file rules by denying him the opportunity to inspect its files in the 2015 incident.<sup>17</sup> The *WSB Transfer Order* found, as an initial matter, that the transaction review was not the appropriate forum for the investigation and resolution of an alleged rule violation that is unrelated to the transaction, that he had already submitted a complaint to the Commission, and that a member of the staff contacted him to discuss resolution of the issue.<sup>18</sup> The Division went on to conclude that "even if we assume that Beauford's allegations are true, we find that they do not raise a substantial and material question of fact warranting further inquiry into this matter with respect to the proposed Transaction. Beauford does not provide evidence of any intentional

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<sup>9</sup> *Id.* at 6.

<sup>10</sup> *Id.* at 7-8.

<sup>11</sup> *See id.* at 35, Complaint #722407. Beauford indicates that he filed this second complaint on October 23, 2015, but after being informed by the Commission's customer service center that it was never received, he subsequently filed this complaint on-line. *Id.* at 9.

<sup>12</sup> *Id.* at 10-15. To be specific, Section 326 of the Act prohibits the Commission from censoring broadcast material or from improperly interfering with a broadcaster's freedom of expression. *See infra* para. 19.

<sup>13</sup> Petition at 16-19.

<sup>14</sup> *Id.* at 18.

<sup>15</sup> *Id.*

<sup>16</sup> *See Consent to Transfer Control of Certain License Subsidiaries of NBI Holdings, LLC to Terrier Media, Inc.*, Memorandum Opinion and Order, 34 FCC Rcd. 10554 (MB 2019) (*WSB Transfer Order*).

<sup>17</sup> *Id.* at 10558, 10567, paras. 5, 37.

<sup>18</sup> *Id.* at 10567-68, para. 37.

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misconduct or aggravating factors that would justify the serious step of denying the sale of a station based on a public file rule violation.”<sup>19</sup>

7. According to the Petition, in June of 2019 Beauford reached out to a Commission field agent to get more information about Complaint #702477.<sup>20</sup> Beauford submits that the agent told him that she visited WSB to talk to Station management about his complaint, but that she could not get into more details with him about her visit. In response to her inquiry whether someone from the Station called Beauford to re-invite him to return to review the public file, he said that McVay did so. He also told the agent that he did not see all of the items that were initially requested – the December 25, 2014 email was there, but the “other item were never seen and I still have not seen them to this day.”<sup>21</sup>

8. On December 3, 2019, in an unrelated matter, the Bureau admonished the licensee of WSB and WPCH-TV, Atlanta, Georgia for failing to include in their respective stations’ online political files certain information about requests to purchase political advertising time for non-candidate issue advertisements.<sup>22</sup>

9. In the instant Petition, Beauford raises arguments that he claims warrant a denial of the Application. He again contends that Licensee violated the public inspection file requirements in denying him access on October 23, 2015, and by subsequently failing to comply with those rules. While the Petition is substantially similar to the petition denied by the *WSB Transfer Order*,<sup>23</sup> he also raises three new allegations. First, he argues that Licensee violated section 1.717 of the Commission’s rules by failing to respond to the second complaint that he filed, informal complaint #722407, which Beauford filed on December 22, 2015, but never received a response.<sup>24</sup> Second, he alleges that WSB falsely certified that there have been no violations by the licensee of the Communications Act or the Commission’s rules, due to its public inspection file and other transgressions.<sup>25</sup> Third, Beauford argues that denial of the Application is warranted because the Station’s public inspection file is inaccurate and incomplete, including the Licensee’s adjudicated failure to maintain its political files, which resulted in a Commission admonishment.<sup>26</sup>

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<sup>19</sup> *Id.* (citing *Michael Lazarus, Esq.*, Letter Order, 26 FCC Rcd 5966, 5970 (MB 20011) (“Public file violations, on their own, do not establish grounds for denial of an application unless intentional misconduct is evident.”); *3 Daughters Media, Inc.*, Letter, 22 FCC Rcd 9047, 9051 (MB 2007) (“Public file violations only implicate the Commission’s Character Qualifications Policy when extensive and egregious or when indicative of substantial carelessness”); *Discussion Radio, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 7433, 7439, para. 17 (2004) (noting that a determination by the Commission’s Enforcement Bureau of a public file violation did not call for the denial of the application or the designation of the renewal application for a hearing).

<sup>20</sup> Petition at 20.

<sup>21</sup> *Id.*

<sup>22</sup> *Online Political Files of Meredith Corporation Licensee*, Order, 34 FCC Rcd. 11168 (MB 2019) (*WSB Political File Order*) (admonishing licensee of WSB and WPCH-TV, Atlanta, Georgia for failing to include in their respective stations’ online political files certain information about requests to purchase political advertising time for non-candidate issue advertisements).

<sup>23</sup> See Beauford Petition to Deny Cox Enterprises/Cox Media Group/Georgia Television, LLC/WSB-TV, Transfer of Control of the Broadcast License to Terrier Media Buyer, Inc., MB Docket No. 19-98 (filed May 13, 2019) (Beauford Transfer Petition).

<sup>24</sup> *E.g.*, Petition at 3, 9-10, 29-30.

<sup>25</sup> Petition at 21, 30.

<sup>26</sup> See, *e.g.*, Petition at 29-30 (citing *WSB Political File Order*).

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10. The Licensee filed an Opposition on February 5, 2021.<sup>27</sup> The Licensee responds that after an initial misunderstanding, the Station did provide Beauford with the required access to its public inspection file, and identifies discrepancies between the Petition and the complaints to the Commission with regard to Beauford's visit to the Station and the scope of his request.<sup>28</sup> The Licensee then argues further that none of Beauford's other claims establish a basis to deny the Application, because the Commission does not require a particular procedure for accessing its public inspection file, and because Beauford is mistaken that the Commission's rules require his complaint to be entered into that file.<sup>29</sup> The Licensee further explains that Beauford is incorrect that it falsely certified in the Application, because its response indicated that it was properly disclosing the admonishment it had received for a political file violation.<sup>30</sup>

11. Beauford filed a Reply on February 18, 2021, in which he reiterates that he was denied access to the public inspection files required by the Commission's rules. He also asserts that the Licensee responded falsely in its renewal with regard to past violations by only identifying the political file admonishment, and not indicating the public inspection file violations at issue here.<sup>31</sup>

### III. DISCUSSION

12. In evaluating an application for license renewal, the Commission's decision is governed by section 309(k) of the Act.<sup>32</sup> That section provides that 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, we are to grant the renewal application.<sup>33</sup> 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 as are appropriate, including renewal for a term less than the maximum otherwise permitted.”<sup>34</sup>

13. Beauford asks the Commission to “Revoke the Renewal” of the License on the following 10 bases:

- (1) Violating 47 CFR § 73.3526 for failure to provide access to the WSB's public inspection file;
- (2) Violating 47 CFR § 1.717 for failure to timely respond to Beauford's complaint #722407;
- (3) Falsifying the certification of the Application;
- (4) Providing an incomplete and inaccurate public inspection file;
- (5) Engaging in conduct unbecoming of a community trustee;

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<sup>27</sup> Opposition (filed Feb. 18, 2021), LMS File No. 0000135322.

<sup>28</sup> *Id.* at 2-4.

<sup>29</sup> *Id.* at 4-6.

<sup>30</sup> *Id.* at 6-7. The Renewal Certification of the Application poses the question: “Licensee certifies that, with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If “No”, the licensee must submit an explanatory exhibit providing complete descriptions of all violations.” The Licensee responded “No,” and in an exhibit disclosed the admonishment.

<sup>31</sup> Reply at 9.

<sup>32</sup> 47 U.S.C. § 309(k).

<sup>33</sup> 47 U.S.C. § 309(k)(1).

<sup>34</sup> 47 U.S.C. §§ 309(k)(2), 309(k)(3).

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- (6) Failure to have a policy or procedure for viewing of the public inspection file;
- (7) Failure to include complaint #55980 in the public inspection file;
- (8) Failure to include complaint #in the public inspection file;
- (9) Failure to include a resolution page regarding Beaufort's complaint in the public inspection file;
- (10) Engaging in discriminatory programming choices.<sup>35</sup>

14. Many of the allegations that Beauford raised in the prior transfer proceeding (and which the *WCB Transfer Order* found unpersuasive) overlap with those put forth in this proceeding. However, we are mindful that section 309(k) sets forth a different standard of review than the section 310(d) standard under which we granted the *WSB Transfer Order*, and in the interest of clarity we will address all of his contentions as he presents them.<sup>36</sup> We do agree with Beauford that the Station's denial of access to review the public inspection files during his initial visit constitutes a rule violation. However, as we explain more fully below, Beauford's arguments do not present a sufficiently substantial and material question of fact to warrant further inquiry regarding whether renewal of the Station license would be in the public interest. We therefore admonish the Station and grant the Application.

15. With regard to the first, fifth, and sixth bases, we agree with Beauford that the Station did not provide Beauford with the requisite access to its public inspection file in his initial visit. The Opposition correctly points out that the Commission does not require a specific procedure for accessing its public inspection file.<sup>37</sup> However, the Station's failure to have provided access to its public inspection file or to have made a computer terminal available to the public does give rise to an apparent violation of the Commission's rules. Specifically, Beauford submits that, after initially being rebuffed, WSB staff eventually handed him a piece of paper that had "fcc.gov" written on it, and told him to view the file on-line at that web-site off of the Station's premises.<sup>38</sup> The Opposition does not dispute Beauford's representation of this interaction, and claims that its response was compliant with the Commission's rules.<sup>39</sup> Part of its defense centers focuses on the discrepancy between the Petition and the first complaint regarding whether Beauford requested access solely to the public correspondence files for three quarters in 2014-15, or whether he also asked specifically to see the emails he sent.<sup>40</sup> Regardless of the scope of his request, the Commission's rules in effect at that time directed licensees to make files available either physically or on-site at a computer terminal, and in no way allowed licensees to direct requesters off-site to view the files on their own computers.<sup>41</sup>

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<sup>35</sup> Petition at 30-31.

<sup>36</sup> The Licensee consummated a transfer of control on December 17, 2019. CDBS File No. BTCCDT-20190304ABL. This transfer of control does not eliminate liability for the violations that occurred prior to the transfer because the licensee remains the same and therefore liability, as a legal matter, remains with the licensee. *See, e.g., Mapleton Licensee of San Luis Obispo*, Forfeiture Order, 27 FCC Rcd. 4099, 4101 n.19 (EB 2012); *Hensley Broadcasting, Inc.*, Forfeiture Order, 24 FCC Rcd 1115, 1116 n.9 (EB 2009). The certification instructions on the Media Bureau broadcast renewal form do not require a different result because "issues of where liability lies for violations that occurred prior to a transfer of control and whether a new owner can certify to actions that took place prior to the transfer of control are entirely different issues." *Korean American TV Broadcasting Corp.*, Forfeiture Order, 28 FCC Rcd. 14515, 14517-18, para. 10 n. 20 (Vid. Div. MB 2013) (citations omitted).

<sup>37</sup> Opposition at 4-5.

<sup>38</sup> Petition at 7-8.

<sup>39</sup> Opposition at 4.

<sup>40</sup> *Id.* at 3-4.

<sup>41</sup> *See* 47 CFR §73.3526(c)(1) (2015) (available at <https://www.govinfo.gov/content/pkg/CFR-2015-title47-vol4/pdf/CFR-2015-title47-vol4-sec73-3526.pdf>). The Commission has amended its public access regulations over the last several years to allow licensees to provide online rather than physical access to their public inspection files.

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16. We are aware that the Commission's online public file access rules have been in transition over the last several years, and that the record does not indicate that WSB staff's direction to a Commission website was in bad faith. Nevertheless, and while we do not rule out more severe sanctions for a similar violation of this nature in the future, we have determined that an admonishment is appropriate at this time. Accordingly, we hereby ADMONISH the Licensee for violating section 73.3526 of the Commission's rules.

17. Beauford's second basis alleges a violation of section 1.717 of the Commission's rules. That rule specifies that "[t]he Commission will forward informal complaints to the appropriate *carrier* for investigation." Accordingly, this rule applies to carriers, which are a distinct set of Commission regulatees that do not include to broadcasters.<sup>42</sup> There is no separate rule requiring the Commission to forward complaints to broadcasters, and we have no indication that the Commission did forward these complaints to WSB. Therefore, WSB was under no obligation to include the Commission-filed complaints in its public inspection file.

18. We turn next to Beauford's third allegation, that the Licensee willfully falsified a certification to the Application. We disagree. Specifically, we find that the Licensee's "No" certification and exhibit to the Renewal Application identifying the Licensee's admonishment for a political file violation accurately and completely disclosed all reportable transgressions, and we therefore disagree with Beauford's claim that the Licensee failed to disclose complete descriptions of all violations.<sup>43</sup> To the extent that Beauford is questioning the certification with regard to the complaints he filed against the Licensee,<sup>44</sup> the existence of past complaints that already have been considered and rejected or new challenges to the Licensee's behavior that have not resulted in a determination of a violation do not qualify as "FCC Violations during the Preceding License Term."<sup>45</sup>

19. Similarly, we find no violations related to Beauford's concerns about the Licensee's purported failures in not including Beauford's past complaints or other specific documents – bases four, seven, eight and nine.<sup>46</sup> With regard to his efforts to see copies of his consumer complaints, as indicated above, there is no requirement for the Commission to serve consumer complaints to broadcasters, and therefore no requirement on broadcasters to place such material in the online public file. To the extent that his consumer complaints are correspondence that should have been made available to Beauford in the public file, we are unable to find a violation of section 73.3526 based on the record before us. While this

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<sup>42</sup> 47 CFR § 1.717. The reference in the rule to "carrier" means common carrier, *e.g.*, a telephony voice provider that provides two-way transport for content of the users' own choosing. Broadcasters are not deemed to be common carriers because they provide a different type of communications service, *i.e.*, one-way transport for audio or video content of the broadcaster's choosing.

<sup>43</sup> Beauford Petition at 21, 30.

<sup>44</sup> *See* Petition at 21.

<sup>45</sup> *See* Instructions for FCC 303-S, Application for Renewal of Broadcast Station License at 7 (available at <https://transition.fcc.gov/Forms/Form303-S/303s.pdf>) ("For purposes of this license renewal form only, an applicant is required to disclose only violations of the Communications Act of 1934, as amended, or the Rules of the Commission that occurred at the subject station during the license term, as preliminarily or finally determined by the Commission, staff, or a court of competent jurisdiction. This includes Notices of Violation, Notices of Apparent Liability, Forfeiture Orders, and other specific findings of Act or Rule violations."). Therefore, the renewal application form only requires the disclosure of formally adjudicated violations. *See, e.g., KAXT, LLC (Assignor) and OTA Broadcasting (SFO) LLC*, Memorandum Opinion and Order, 32 FCC Rcd 9638, 9645, para. 7 ("[W]here the allegations of character consist only of allegations against an applicant, [u]ntil such allegations are determined to have merit and are designated for hearing, no "unresolved" issue is pending "against" the applicant, so there is nothing to report.") (citing *Greater Muskegon Broadcasters, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 15464, 15472 (1996)).

<sup>46</sup> Beauford addresses these concerns throughout his Petition, including pages 11, 19-20.

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rule does require that complaint-related material be placed in a station's public inspection file, Commission orders make clear that this refers to Commission-initiated investigations and complaints.<sup>47</sup> Further, the Applicant submits that contrary to Beauford's claim, the Licensee is not aware that the Commission sent the complaint to WSB.<sup>48</sup> In addition, regardless of when WSB became aware of the consumer complaints, we disagree that the Commission's agent contacting WSB in 2019 confers Complaint #702477 with the status as an official Commission investigation.<sup>49</sup> Staff efforts to informally mediate consumer complaints – particularly where there is no indication of any follow-up made in writing – does not constitute the initiation of an investigation under section 73.3526(e)(10). With regard to Beauford's assertion that the Licensee lacks a "Resolution Page" to disclose how WSB management handled his complaint, we agree with the Applicant that the Commission has no such requirement.<sup>50</sup>

20. With regard to Beauford's tenth allegation, the Petition asserts that WSB's editorial choices when re-airing a was racially discriminatory.<sup>51</sup> According to the Petition itself, the Station programming director disputes Beauford's recollection of what was aired, and also indicates that the re-airing was edited for time. As noted in prior grants of renewal applications, the Commission has stated the constitutional and statutory hurdles against any evaluation of any program content-related challenges to a broadcast renewal application.<sup>52</sup> The role of the Commission in overseeing program content is limited. The First Amendment to the United States Constitution and Section 326 of the Act prohibit the Commission from censoring program material or interfering with broadcasters' free speech rights.<sup>53</sup>

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<sup>47</sup> Section 73.3526(e)(10) does impose a requirement that all complaints should be placed in the public file. *See* 47 CFR § 73.3526(e)(10) ("Material relating to FCC investigation or complaint. Material having a substantial bearing on a matter which is the subject of an FCC investigation or complaint to the FCC of which the applicant, permittee, or licensee has been advised. This material shall be retained until the applicant, permittee, or licensee is notified in writing that the material may be discarded.") However, in adopting this rule, the Commission specified that only Letters of Inquiry, correspondence from the Commission commencing an investigation, and related materials need to be kept in an online public inspection file. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4570-71, paras. 75-76 (2012).

<sup>48</sup> Opposition at 6 n.20.

<sup>49</sup> *See* Petition at 20-21 ("If Agent Alethia Nicholson had to go the Main Studio of WSB-TV to ask questions about my complaint #702477, that constitutes as an official FCC Investigation... WSB-TV did not enter anything in their Public Inspection File regarding this FCC Investigation into my Complaint #702477. Again, WSB-TV's Public Inspection File is Inaccurate and Incomplete.")

<sup>50</sup> Opposition at 5.

<sup>51</sup> *See, e.g.*, Petition at 13.

<sup>52</sup> *See, e.g., Turner Broadcasting Corp.*, Memorandum Opinion and Order, 87 F.C.C.2d 476, 480 para. 11 (1981) ("First, regarding the Coalition's allegations of racist and demeaning language broadcast over licensee's station, the commands of the First Amendment and Section 326 of the Act prohibit us from censoring broadcast material or from improperly interfering with a broadcaster's freedom of expression. Moreover, we cannot be the arbiter of good taste, nor the judge of the accuracy or wisdom with which subjects may be discussed on the air. While particular subjects or opinions—especially those relating to religious beliefs, race or national background—may offend many members of a broadcaster's audience, the Commission cannot use its regulatory power to rule the offensive material off the air. For these reasons, inquiry into the expression of views in the broadcast of this program is not warranted.") (citations omitted). We also do not reach the question of how to assess the differing versions of facts presented by Beauford himself in the Petition compared to the underlying Complaint #722407. *See* Opposition at 3-4 (identifying discrepancies between the Petition and the Complaint with regard to Beauford's visit to the Station to view the public inspection file).

<sup>53</sup> *Brian M. Hassett*, Letter Order, 22 FCC Rcd 4804, 4805 (MB 2007) ("However, because Congress has not authorized the Commission to do so, the Commission currently does not regulate the type of material about which the Objectors have complained.").

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21. We conclude that nothing in the record before us creates a substantial or material question of fact whether the Licensee possesses the basic qualifications to be a Commission licensee. In the *WSB Transfer Order*, the Bureau found that “even if we assume that Beauford’s allegations are true, we find that they do not raise a substantial and material question of fact warranting further inquiry into this matter with respect to the proposed Transaction.”<sup>54</sup> We find that the Licensee’s apparent violation of section 73.3526 of the Rules does not constitute a “serious violation” warranting designation of the Application for evidentiary hearing. Here, we find no evidence of violations that, when considered together, constitute a pattern of abuse.<sup>55</sup> The *WSB Political File Order* identified the only other Station violation to have taken place subsequent to the issuance of the *WSB Transfer Order*, and the Bureau has previously determined such violations are not a bar to station license renewal.<sup>56</sup> Taken together, that political file violation and the unrelated admonishment we issue today with regard to the public access file violation fall well short of the threshold pattern of abuse that would warrant the designation of a hearing. Further, based on our review of the Application, we find that the Station served the public interest, convenience, and necessity during the subject license term.

#### IV. ORDERING CLAUSES

22. Accordingly, for the reasons discussed above, **IT IS ORDERED**, that the Petition to Deny filed by Darryl Beauford **IS DENIED**.

23. **IT IS FURTHER ORDERED** that Georgia Television, LLC **IS ADMONISHED** for a violation of Section 73.3526 of the Rules, 47 CFR § 73.3526.

24. **IT IS FURTHER ORDERED** that the Application for Renewal of Station License WSB-TV filed on December 1, 2020 **IS GRANTED**.

25. **IT IS FURTHER ORDERED** that copies of this Memorandum Opinion and Order shall be sent by Certified Mail, Return Receipt Requested, to Christina Burrow, Cooley LLP, 1299 Pennsylvania Avenue, NW, Suite 700, Washington, DC 20004, counsel for Georgia Television, LLC.

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Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>54</sup> *WSB Transfer Order*, 34 FCC Rcd at 10567-68, para. 37.

<sup>55</sup> For example, we do not find here that the Licensee’s Station operation “was conducted in an exceedingly careless, inept and negligent manner and that the licensee is either incapable of correcting or unwilling to correct the operating deficiencies.” *See Heart of the Black Hills Stations*, Decision, 32 FCC 2d 196, 198, para. 6 (1971). Nor do we find on the record here that “the number, nature and extent” of the violations indicate that “the licensee cannot be relied upon to operate [the station] in the future in accordance with the requirements of its licenses and the Commission’s Rules.” *Id.* at 200, paras. 10-11. *See also Center for Study and Application of Black Economic Development*, Hearing Designation Order, 6 FCC Rcd 4622 (1991); *Calvary Educational Broadcasting Network, Inc.*, Hearing Designation Order, 7 FCC Rcd 4037 (1992).

<sup>56</sup> *See, e.g., William Rogers, et al.*, Letter Order (MB 2006) (renewing a station license despite admonishing station WXYC(AM) for failing to maintain a political file and other violations).