



Federal Communications Commission
Washington, D.C. 20554

July 18, 2014

KATV, LLC
401 South Main Street
Little Rock, Arkansas 72201

Chad Meli
Little Rock Chapter Director
Parents Television Council
P.O. Box 155
Heber Springs, Arkansas 72543

Re: KATV, Little Rock, Arkansas
File No. BRCT-20050131ALH
Facility ID No. 33543

Dear Petitioner/Licensee:

On April 28, 2005, Chad Meli ("Petitioner") filed a petition to deny opposing the license renewal of Station KATV, Little Rock, Arkansas, licensed to KATV, LLC ("Licensee"). On May 31, 2005, the Licensee timely filed an opposition. For the reasons set forth below, we deny the petition to deny.

Background. Petitioner contends that the license renewal application for KATV should not be renewed until indecency complaints against the station are adjudicated.¹ Petitioner specifically refers to the October 14, 2004 broadcast of "Life as We Know It," which Petitioner contends contained indecent material. Petitioner further states that, "upon visiting the station on April 28th, I found that KATV was not compliant with section 73.3526" of the Commission's rules since the "complaint file in question at the offices of KTHV was empty."²

Section 309(k)(1) of the Communications Act of 1934 (the "Act") states that the Commission shall grant a license renewal application if it finds that (a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations of the Communications Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of this Act or the rules or regulations of the Commission which, taken together, would constitute a pattern of abuse.³ The Commission will designate a renewal application for hearing pursuant to Section 309(d)(1) of the Act if (a) the petitioner provides specific allegations of fact sufficient to show that such a grant would be prima facie inconsistent with the public interest⁴ and (b) the allegations, taken together with any opposing evidence before the Commission, raise a substantial and material question of fact as to whether grant would serve the public interest.⁵

¹Chad Meli, Petition to Deny (Apr. 28, 2005) ("Jarnagin Petition") at 1-4.

² *Id.*

³ 47 U.S.C. § 309(k)(1).

⁴ 47 U.S.C. § 309(d)(1); *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988) ("Astroline").

⁵ *Astroline*, 857 F.2d at 1561.

Discussion. With respect to the indecency allegation, we do not rule on the merits of Petitioner's allegation but have reviewed the facts presented in the petition and conclude that, even if a violation were adjudicated, any such violation would not justify denial or designation of the license renewal application or demonstrate a pattern of non-compliant behavior.⁶

With respect to the alleged public file violation, Section 73.3526(e)(9) of the Commission's rules requires that licensees retain all "written comments and suggestions received from the public regarding operation of the station," and Section 73.3526(e)(10) of the Commission's rules requires licensees to retain all 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*."⁷ Given that Petitioner only alleges that the "complaint file" portion of the public inspection file was empty, it appears that the portion of the public inspection file reviewed by Petitioner involved pending Commission investigations, not public correspondence. The Licensee has advised the Commission that it was not informed of any pending investigations at the time of Petitioner's visit. We conclude that Petitioner has failed to raise a substantial and material question of fact regarding a potential violation of Section 73.3526(e)(9). Based on the record before us, we also conclude that Mr. Meli has failed to raise a substantial and material question of fact as to whether the Licensee has been advised by the Commission of any pending investigations.⁸

We therefore conclude that the petition does not allege violations that raise substantial and material questions of fact concerning the Licensee's qualifications or would otherwise justify designation of the Station KATV license renewal application for hearing pursuant to section 309(k) of the Act. Accordingly, it is ordered that the petition to deny filed by Chad Meli **IS DENIED**.

Sincerely,



Barbara Kreisman
Chief, Video Division
Media Bureau

cc:

Jerald N. Fritz
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1000 Wilson Boulevard, Suite 2700
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⁶ *EZ New Orleans, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 7164 (1999); *Eagle Radio, Inc.*, Memorandum Opinion and Order, 9 FCC Rcd 1294, 1295 (1994). Moreover, Petitioner's claim that the Licensee's appeal of a decision it considered unlawful would call into question its fitness to serve as a Commission licensee is entirely without merit.

⁷ 47 C.F.R. § 73.3526(e)(9) and (10) (emphasis added).

⁸ *Chad Meli*, Letter Decision (Vid. Div. 2007).