



Federal Communications Commission
Washington, D.C. 20554

July 17, 2014

Gannett Co., Inc.
7950 Jones Branch Drive
McLean, Virginia 22107

Ms. Anna Jarnagin
625 Highland Meadows Drive
Highland Village, Texas 75077

Re: WFAA-TV, Dallas, Texas
File No. BRCT-20060403BLL
Facility ID No. 72054

Dear Petitioner/Licensee:

On June 7, 2006, Anna Jarnagin ("Petitioner") filed a petition to deny opposing the license renewal of Station WFAA-TV, Dallas, Texas, which is now licensed to Gannett Co., Inc. ("Licensee").¹ On July 6, 2006, the Licensee filed an opposition. For the reasons set forth below, we deny the petition to deny.

Background. Petitioner contends that the license renewal application for WFAA-TV should not be renewed until indecency complaints against the station are adjudicated.² Petitioner specifically refers to the October 14, 2004 broadcast of "Life as We Know It," which Petitioner contends contained indecent material. Petitioner also notes that the ABC network filed a lawsuit challenging the indecency standards in place at the time.³

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.⁴ 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 interest⁵ and (b) the allegations, taken together with any opposing

¹ At the time when the petition was filed, WFAA-TV, L.P., a subsidiary of Belo Corp., was the licensee of the station.

² Anna Jarnagin, Petition to Deny (Jun. 7, 2006) ("Jarnagin Petition") at 1.

³ Id.

⁴ 47 U.S.C. § 309(k)(1).

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

evidence before the Commission, raise a substantial and material question of fact as to whether grant would serve the public interest.⁶

Discussion. 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.⁷

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 WFAA-TV license renewal application for hearing pursuant to section 309(k) of the Act.⁸ Accordingly, it is ordered that the petition to deny filed by Anna Jarnagin **IS DENIED**.

Sincerely,

A handwritten signature in black ink, appearing to be 'B K' with a long horizontal stroke extending to the right.

Barbara Kreisman
Chief, Video Division
Media Bureau

cc:
Linda Carducci
Gannett Co., Inc.
7950 Jones Branch Drive
McLean, Virginia 22107

⁶ *Astroline*, 857 F.2d at 1561.

⁷ *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.

⁸ *Id.*