



Federal Communications Commission  
Washington, D.C. 20554

August 21, 2014

Fox Television Stations, Inc.  
Attention: Joseph M. DiScipio  
444 North Capitol Street N.W., Suite 740  
Washington, D.C. 20001

L. Brent Bozell III  
Parents Television Council  
325 South Patrick Street  
Alexandria, Virginia 22314

Re: WTTG-TV, Washington, D.C.  
File No. BRCT-20040527AKR  
Facility ID No. 22207

Dear Petitioner/Licensee:

On September 1, 2004, L. Brent Bozell III ("Petitioner") filed a petition to deny opposing the license renewal of Station WTTG-TV, Washington, D.C., licensed to Fox Television Stations, Inc. ("Licensee"). On October 1, 2004, 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 WTTG-TV should not be renewed until indecency complaints against the station are adjudicated.<sup>1</sup>

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.<sup>2</sup> 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 interest<sup>3</sup> 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.<sup>4</sup>

*Discussion.* With respect to numerous complaints raised by the Petitioner, the Commission has already ruled on the merits of the allegations and concluded that the material was not indecent.<sup>5</sup> With

<sup>1</sup> L. Brent Bozell III, Petition to Deny (Sept. 1, 2004) at 1-3.

<sup>2</sup> 47 U.S.C. § 309(k)(1).

<sup>3</sup> 47 U.S.C. §309(d)(1); *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988) ("Astroline").

<sup>4</sup> *Astroline*, 857 F.2d at 1561.

<sup>5</sup> *Complaints Regarding Various Television Broadcasts Between Feb. 2, 2002 and Mar. 8, 2005*, Notices of Apparent Liability and Memorandum Opinion and Order, 21 FCC Rcd 2664, 2710 (2005); *Fox Television Stations*,

respect to any remaining active complaints, we do not rule on the merits of Petitioner's allegations 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.<sup>6</sup>

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 license renewal application for hearing pursuant to section 309(k) of the Act.<sup>7</sup> Accordingly, it is ordered that the petition to deny filed by L. Brent Bozell III **IS DENIED**.

Sincerely,



Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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*Inc.*, Memorandum Opinion and Order, 20 FCC Rcd 4800 (2005); *Complaints by the Parents Television Council Against Various Broadcast Licensees Regarding Their Airing of Allegedly Indecent Material*, Memorandum Opinion and Order, Memorandum Opinion and Order, 20 FCC Rcd 1931 (2005); *Complaints by the Parents Television Council Against Various Broadcast Licensees Regarding Their Airing of Allegedly Indecent Material*, Memorandum Opinion and Order, Memorandum Opinion and Order, 20 FCC Rcd 1920 (2005); *Fox Television Stations, Inc. Regarding Its Broadcast of the "Keen Eddie" Program on June 10, 2013*, Memorandum Opinion and Order, 19 FCC Rcd 23063 (2004).

<sup>6</sup> *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).

<sup>7</sup>*Id.*