Federal Communications Commission
Washington, D.C. 20554

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Received & Inspected

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FCC Mail Room

Eugene F. Elander
23 Hemlock St
Hillsborough, NH 03244

Re: Application for Renewal of License
WMUR-TV, Manchester, NH
File No. BRCT-20061201BPK
Facility ID No. 73292

Mr. Elander:

This refers to your informal objection to the above-referenced renewal application of Hearst-Argyle Properties, Inc., ("Hearst"), licensee of WMUR-TV, Manchester, New Hampshire. For the reasons set forth below, we deny the informal objection.

In your informal objection, you allege WMUR-TV fails to serve the community in its news coverage. In support, you cite two specific omissions of WMUR-TV's news coverage: failure to discuss your SCOPE proposal in the wake of severe flooding in 2005 and failure to investigate the wisdom of bicycle patrols by Manchester police in certain situations. The Federal Communications Commission is prohibited by the First Amendment to the United States Constitution and Section 326 of the Communications Act of 1934, as amended, from censoring programs or from interfering with freedom of expression in broadcasting.[1] The choice of what is or is not to be covered in the presentation of broadcast news is a matter committed to the licensee's good faith discretion. Although every licensee has an obligation to present programming which is responsive to the problems, needs and interests of its service area, it is the responsibility of, and within the discretion of, each individual licensee to select the problems, needs and interests to be covered, as well as the particular programs to address those interests. The issues selected by a licensee to be addressed may be determined by the interests and nature of its audience and the availability of other program services. With regard to news programming, the Commission has repeatedly held that "[t]he choice of what is or is not to be covered in the presentation of broadcast news is a matter left to the licensee's good faith discretion," and that "the Commission will not review the licensee's news judgments."[2] We find, therefore, that the station's programming choices, so long as they do not implicate any Commission rule, are within its discretion.

[1] 47 U.S.C. § 326; U.S. CONST., amend. I.

[2] *American Broadcasting Companies, Inc.*, 83 F.C.C.2d 302, 305 (1980). *See also Dr. Paul Klite*, 12 Com. Reg. (P&F) 79, 81-82 (MMB 1998), *recon. denied sub nom, McGraw-Hill Broadcasting Co.*, 16 FCC Rcd 22739 (2001) (denying petition that cited excess of news stories dedicated to "mayhem" and under-coverage of issues involving the environment, arts, sciences, education, poverty, AIDS, children and local elections).

Another assertion in your informal objection is that WMUR-TV has, through obfuscation and omission, rendered complaining to the Commission difficult with regards to the license renewal process. You state that WMUR-TV "hopes[s] to defuse complaints by making it difficult for the complainants to reach the appropriate people or sections at the FCC."[3] However, WMUR-TV did not violate any Commission rule by not identifying the specific office which handles renewals of broadcast television licenses. Indeed, the station's response to your email, which you included in your objection, recommends that you visit the Commission website.[4] For your information, there is a freely available document on this website titled "The Public and Broadcasting: How to Get the Most Service from Your Local Station" which discusses public participation in the licensing process with specific attention to renewal applications.[5]

Finally, you state that you only heard WMUR-TV make "one reference to the public's right to give input to the FCC" during your viewing of WMUR-TV for the two months prior to your filing.[6] The Commission's requirements for renewal announcements for television stations are set out in Section 73.3580 of our rules.[7] Hearst, licensee of WMUR-TV, certified in its renewal application that it was in compliance with all Commission rules and regulations.[8] We have insufficient information before us to indicate that station WMUR-TV has violated our rules or policies or has not acted with good faith judgment in its news programming. Therefore, absent a showing that there has been an abuse of discretion or a violation of our rules, the Commission will not substitute its judgment for that of the licensee.

Your letter will be associated with the license file of station WMUR-TV, Manchester, New Hampshire.

Sincerely,

Clay Pendarvis
Associate Chief, Video Division
Media Bureau

[3] *Informal Objection* at 1.

[4] *Id.* at Exhibit 3.

[5] "The Public and Broadcasting: How to Get the Most Service from Your Local Station," *available at* http://www.Commission.gov/mb/audio/decdoc/public_and_broadcasting.html.

[6] *Informal Objection* at 1.

[7] 47 C.F.R. § 73.3580.

[8] File No. BRCT-20061201BPK, *available at* http://licensing.Commission.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm (choose "Search for Application Information" and enter "WMUR-TV" into the "Call Sign" search field).