



Federal Communications Commission
Washington, D.C. 20554

July 3, 2014

Mr. Leonard Halleen
5807 Alexandria Drive
Temple, Texas 76502

KCEN License Company, LLC
15455 Dallas Parkway
Suite 1447
Addison, Texas 75001

Re: KCEN-TV, Temple, Texas
File No. BRC DT-20140331ANV
Facility ID No. 9629

Dear Mr. Halleen:

This is with respect to the complaint you submitted on March 24, 2014, opposing the grant of the above captioned broadcast television license renewal application filed by KCEN License Company LLC.¹ In your letter you raised concerns about the quality and professionalism of the news programming on the station.

Although the Commission does regulate broadcast content where federal statutes direct it to do so,² the Commission does not take adverse action on a license renewal application based upon the "subjective determination of a viewer or group of viewers, as to what is or is not good programming."³ Under the First Amendment of the United States Constitution and Section 326 of the Act,⁴ the Commission is generally prohibited from involving itself in the content of specific programs or otherwise engaging in activities that might be regarded as program censorship. Although individuals may disagree with a broadcaster's choice in programming, broadcasters are afforded a great deal of discretion in the scheduling, selection and presentation of programming.⁵ Accordingly, the Commission will only intervene in programming matters if a licensee is shown to have abused that discretion.⁶ The information contained in your letter does not demonstrate that KCEN-TV has done so here.

¹ File No. BRC DT-20140331ANV.

² See 18 U.S.C. § 1464 (prohibiting the broadcast of obscene, indecent and profane material).

³ See *WGBH Educational Foundation*, Memorandum Opinion and Order, 69 FCC 2d 1250, 1251 (1978).

⁴ 47 U.S.C. §326; U.S. CONST., amend. I.

⁵ See, e.g., *National Broadcasting Company v. FCC*, 515 F.2d 1101, 1112-1113, 1119-1120, 1172 (1974), *vacated as moot, id.* at 1180, *cert. denied*, 424 U.S. 910 (1976); *Columbia Broadcasting System, Inc. v. Democratic National Committee*, 412 U.S. 94, 124 (1973); *Hunger in America*, 20 FCC 2d 143, 150-51 (1969).

⁶ See, e.g., *License Renewal Applications of Certain Commercial Radio Stations Serving Philadelphia, Pennsylvania*, Memorandum Opinion and Order, 8 FCC Rcd 6400, 6401 (1993) (citing *Time-Life Broadcast, Inc.*, Memorandum Opinion and Order, 33 FCC 2d 1081, 1082 (1972), and *Office of Communications of United Church of Christ v. FCC*, 707 F.2d 1413 (D.C. Cir. 1983) (subsequent history omitted)).

Thank you for your inquiry regarding this station.

Sincerely,

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

Barbara A. Kreisman
Chief, Video Division

cc:

Kathleen A. Kirby
Wiley Rein LLP
1776 K Street NW
Washington, D.C. 20006