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Federal Communications Commission  
Washington, D.C. 20554

MAY 14 2010

James Pennino  
687 Hillside Lane  
Stillwater, MN 55082

Clifford Harrington, Esq.  
Pillsbury Winthrop Shaw Pittman, LLP  
2300 N Street, NW  
Washington, DC 20037-1128

Re: WUCW(TV), Minneapolis, MN  
Facility ID No. 36395  
Application for Renewal of License  
File No. BRCT-20051128ATB

Dear Petitioner and Counsel:

This is in regards to the above-captioned application for renewal of license of WUCW(TV), Minneapolis, MN ("WUCW"), formerly KMWB(TV), licensed to KLGTV Licensee, LLC. James Pennino ("Petitioner"), a member of Counter Propaganda Coalition, filed a petition on March 1, 2006 requesting that the Commission deny WUCW's license renewal. Petitioner asserts that he is a regular viewer of WUCW. On March 29, 2006 WUCW filed an opposition to the petition.<sup>1</sup>

Petitioner asserts that WUCW's environmental, public health, community service, children's, labor, minority, and political programming, as well as its public service announcements, have failed to meet the needs and interests of its broadcast area. Thus, Petitioner claims WUCW has failed to meet the 'public interest, convenience, and necessity' requirements of Section 309(a) of the Communications Act of 1934, as amended. For the reasons stated below, we deny the Petitioner's petition.

Petitioner's complaint is essentially that WUCW did not air the type and amount of programming and public service announcements that Petitioner wanted to view. The Commission is prohibited by the Communications Act of 1934, as amended, from censoring programs and from interfering with freedom of expression in broadcasting.<sup>2</sup> Additionally, there is no Commission rule or policy that mandates the airing of public service announcements. Broadcasters are responsible

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<sup>1</sup> While WUCW asserts that it was unable to locate an official filed copy of the petition, the Commission's records show that an original plus three copies of the petition were received in the Commission's Mailroom on March 1, 2006. Licensee is correct, however, that Petitioner failed to serve the petition on the licensee at its official mailing address of record. Accordingly, the pleading will be treated as an informal objection.

<sup>2</sup> 47 U.S.C. §326; U.S. CONST., amend. I.

for selecting all broadcast matter and for determining how their stations can best serve their communities. Thus, the Commission does not attempt to direct a licensee in the selection or presentation of specific programming, whether it is entertainment, political, or educational in content.

Although every licensee has an obligation to present programming that is responsive to the problems, needs, and interests of its broadcast 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 regards to news programming, for example, 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 news judgment.”<sup>3</sup> We find, therefore, that the station’s programming choices, so long as they do not implicate any Commission rule, are within its discretion.

I urge you to continue to make your dissatisfaction with the station’s programming known to the licensee and also to those in network organizations. Letters to stations and networks keep broadcasters informed about audience needs and interests, as well as public opinion on specific material. It has been our experience that broadcasters are interested in hearing from viewers and often develop programming consistent with requests and input from its viewers.

In view of the foregoing, the petition filed by James Pennino against the application for renewal of license of WUCW(TV), Minneapolis, Minnesota, File No. BRCT-20051128ATB, is DENIED.

Sincerely,



Clay C. Pendarvis  
Associate Chief, Video Division  
Media Bureau

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<sup>3</sup> *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).