

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Georgia Television, LLC)	LMS File Number 0000128755
)	Facility ID No. 23960
For Renewal of the License of Television)	
Broadcast Station WSB-TV, Atlanta, GA)	

OPPOSITION TO PETITION FOR RECONSIDERATION

Georgia Television, LLC (“CMG”), a subsidiary of CMG Media Corporation and licensee of WSB-TV, Atlanta, Georgia, by its attorneys, hereby opposes the Petition for Reconsideration filed by Mr. Darryl Brian Beauford against the Media Bureau’s grant of the license renewal application for CMG’s flagship television station, WSB-TV, Atlanta, Georgia.¹

The Reconsideration Petition asks the Media Bureau to reconsider its June 1, 2023, decision that grants the WSB-TV license renewal application and denies the Petition to Deny that Mr. Beauford filed against that application.² In the Bureau Order, the Media Bureau determines that while CMG violated the Commission’s public inspection file rule in connection with Mr.

¹ Petition for Reconsideration of Darryl B. Beauford, LMS File Number 0000128755 (the “Reconsideration Petition”). Although the Reconsideration Petition is undated, it was served on CMG by United Parcel Service with a mailing date of June 29, 2023 and is listed in the Commission’s LMS database with a filing date of June 30, 2023. CMG notes that LMS also shows an identical Petition for Reconsideration apparently filed by Mr. Beauford on June 14, 2023, but that earlier Petition for Reconsideration was not served on CMG. Therefore, the Reconsideration Petition filed on June 30, 2023 and served on CMG is the proper version for purposes of determining the due date of this Opposition. Accordingly, this Opposition is timely filed.

² See In the Matter of Georgia Television, LLC For Renewal of the License of Television Broadcast Station WSB-TV, Atlanta, GA, Memorandum Opinion and Order, LMS File No. 0000128755 (MB June 1, 2023) (“Bureau Order”). See also Petition to Deny of Darryl B. Beauford, LMS File No. 0000128755 (filed Jan. 7, 2021) (“Petition to Deny”).

Beauford's 2015 request to access the WSB-TV public file, it did not rise to the level of a "serious violation" warranting the remedy Mr. Beauford seeks. The Bureau, therefore, admonishes CMG for that violation and grants the WSB-TV renewal application.

Mr. Beauford rejects the admonishment as insufficient and requests revocation of the WSB-TV license or designation of the license for a hearing before the FCC's Administrative Law Judge.³ The Reconsideration Petition does not, however, present any facts or arguments demonstrating a material error in the Bureau Order. The Reconsideration Petition also does not raise any new facts not known when Mr. Beauford filed his Petition to Deny. Nor does the Reconsideration Petition show that CMG's continued ownership and operation of WSB-TV present a public interest concern. Accordingly, because the Reconsideration Petition does not meet the threshold standards for reconsideration by either the Commission or the Media Bureau, the Reconsideration Petition should be denied.

I. The Reconsideration Petition Fails to Satisfy Commission Standards for Petitions for Reconsideration.

A. Reconsideration Petitions Must Meet the Standards Set Forth in the Communications Act and in Commission Rules.

Both the Communications Act and Commission Rules establish specific requirements for parties seeking reconsideration of a Commission or Bureau decision. Section 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 405(a), provides that, as part of the reconsideration process, "no evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission

³ Reconsideration Petition at 3 and 10. The Reconsideration Petition does not specify whether Mr. Beauford is seeking reconsideration by the Media Bureau or by the full Commission. Accordingly, CMG is treating Mr. Beauford's Reconsideration Petition as a request that that Media Bureau reconsider its decision in the Bureau Order.

or a designated authority within the Commission believes should have been taken in the original proceeding shall be taken on any reconsideration.” Indeed, as the Media Bureau recently stated, “[t]he Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission’s original order or raises additional facts not known or existing at the time of the petitioner’s last opportunity to present such matters.”⁴ Section 1.106(c) of the Commission’s Rules, 47 C.F.R. § 1.106(c), which elaborates on the statutory requirements in Section 405(a), allows exceptions to the Section 405(a) standard only when the public interest so requires.

Each fact recited and each argument advanced in the Reconsideration Petition was included in Mr. Beauford’s Petition to Deny, and those facts and arguments were thoroughly and properly addressed in the Bureau Order. With no newly discovered facts, and without any argument that the Bureau Order contains a material error, the Reconsideration Petition must be denied.

B. The Reconsideration Petition Does Not Demonstrate Material Error.

Mr. Beauford alleges that the Bureau Order does not fully and accurately set forth the facts alleged in his Petition to Deny.⁵ Mr. Beauford describes instances where, he alleges, the Bureau Order is incomplete or takes facts out of context. For example, Mr. Beauford faults the Media Bureau for including information in footnotes rather than in the text.⁶ He also repeats

⁴ *Yaquina Bay Communications, Inc.*, Letter Decision, Ref. No. 1800B3-TSN, DA 23-541 (MB June 22, 2023) citing 47 C.F.R §§ 1.106(c), (d) and *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964).

⁵ Reconsideration Petition at 6-9.

⁶ Reconsideration Petition at 6. Mr. Beauford appears to refer to footnotes as “Cliff Notes.”

allegations set forth in the Petition to Deny about initially being denied access to the station by a security guard and the station receptionist, saying that facts were “taken out of context.”⁷

Contrary to Mr. Beauford’s claims, the Bureau Order thoroughly and accurately summarizes all material facts and claims in Mr. Beauford’s Petition to Deny. In fact, the Bureau Order catalogues each of the ten separate allegations Mr. Beauford makes in his Petition to Deny and addresses each one.⁸ That the Media Bureau includes some information in footnotes rather than text clearly is not grounds for reconsideration. How Mr. Beauford’s factual statements and arguments are presented in the Bureau Order is fairly and properly within the Media Bureau’s discretion.

In addition, some of Mr. Beauford’s arguments simply are wrong. For example, Mr. Beauford repeats his allegation that the Enforcement Bureau must have issued a Notice of Violation to WSB-TV under FCC rule Section 1.717 (47 C.F.R. § 1.717).⁹ However, as the Bureau Order correctly notes, “this rule applies to carriers, which are a distinct set of Commission regulatees that do not include broadcasters.”¹⁰ That Mr. Beauford would have written the Bureau Order differently, or that he disagrees with the Media Bureau’s proper reading of Commission Rules, do not constitute material error or establish grounds for reconsideration.

C. The Reconsideration Petition Does Not Allege Any New Facts.

Mr. Beauford’s factual recitations in the Reconsideration Petition do not present previously unknown facts. Rather, the facts cited by Mr. Beauford restate information already

⁷ Reconsideration Petition at 7.

⁸ *See, e.g.*, Bureau Order at 4-5.

⁹ Reconsideration Petition at 8-9.

¹⁰ Bureau Order at 6 (footnote omitted).

presented to the Bureau in the Petition to Deny. For example, Mr. Beauford repeats his frustration regarding his attempts to view the WSB-TV public file and his interactions with station staff. He claims he was denied access to the public file by a security guard and alleges that WSB-TV station staff were not properly trained in FCC public file compliance.¹¹ Mr. Beauford makes these same allegations in the Petition to Deny, and the Bureau Order fully addresses his claims.¹² Assuming for sake of argument that the Reconsideration Petition contains new facts, which it does not, Mr. Beauford would have the affirmative obligation to show that those facts were not known or existing at the time Mr. Beauford filed his Petition to Deny. Mr. Beauford makes no such argument. Accordingly, the facts alleged in the Reconsideration Petition are insufficient to support Mr. Beauford's request that the Media Bureau revisit its grant of the WSB-TV license renewal application.

II. The WSB-TV License Renewal Application Did Not Contain False Certifications.

Mr. Beauford also repeats his incorrect claim that the WSB-TV license renewal application contained false certifications about FCC violations during the station's license term.¹³ As with his other arguments, Mr. Beauford previously made this same false certification claim in the Petition to Deny, and the claim is fully addressed in the Bureau Order.¹⁴ The Media Bureau found that the WSB-TV license renewal application "accurately and completely disclosed all reportable transgressions, and we therefore disagree with Beauford's claim that the Licensee failed to disclose complete descriptions of all violations."¹⁵

¹¹ Reconsideration Petition at 4.

¹² Bureau Order at 5-6.

¹³ Reconsideration Petition at 3-6.

¹⁴ Petition to Deny at 21.

¹⁵ Bureau Order at 6.

As the Bureau Order explains, “the renewal application form only requires the disclosure of formally adjudicated violations” and, accordingly, CMG had no obligation to disclose its contacts with Mr. Beauford in the WSB-TV license renewal application.¹⁶ CMG properly reported an admonishment issued during the license term for omitting information from the WSB-TV political public file, but that matter is unrelated to Mr. Beauford’s complaints. CMG has not been found to have otherwise violated the Commission’s public file rules (or any other Commission Rules) in connection with its operation of WSB-TV, and so no further disclosures in the license renewal application were required.

III. The Requested Relief is Inconsistent With Commission Precedent.

Even if the Reconsideration Petition met the requirements set forth in the statute and the Commission’s Rules, which it does not, the relief Mr. Beauford requests far exceeds sanctions imposed by the Commission in analogous situations. The Bureau thoroughly considered Mr. Beauford’s Petition to Deny and correctly found that “the Licensee’s apparent violation of [the public file rule] does not constitute a ‘serious violation’ warranting designation of the Application for evidentiary hearing.”¹⁷ The Bureau Order also found “no evidence of violations that, when considered together, constitute a pattern of abuse.”¹⁸ Despite the Bureau’s conclusion

¹⁶ Bureau Order at 6 n. 45.

¹⁷ Bureau Order at 8.

¹⁸ *Id.* “For example, we do not find here that the Licensee’s Station operation “was conducted in an exceedingly careless, inept and negligent manner and that the licensee is either incapable of correcting or unwilling to correct the operating deficiencies.” *See Heart of the Black Hills Stations*, Decision, 32 FCC 2d 196, 198, para. 6 (1971). Nor do we find on the record here that “the number, nature and extent” of the violations indicate that “the licensee cannot be relied upon to operate [the station] in the future in accordance with the requirements of its licenses and the Commission’s Rules.” *Id.* at 200, paras. 10-11. *See also Center for Study and Application of Black Economic Development*, Hearing Designation Order, 6 FCC Rcd 4622 (1991); *Calvary Educational Broadcasting Network, Inc.*, Hearing Designation Order, 7 FCC Rcd 4037 (1992).” Bureau Order at 8 n. 55.

that CMG’s actions do not rise to a “serious violation,” Mr. Beauford asks the Bureau to impose the most draconian sanction and process available to the Commission – license revocation or designation for hearing. The Bureau Order, however, makes clear that such extreme actions are not in the public interest and would deviate from Commission precedent.¹⁹

Conclusion

The Reconsideration Petition does not meet well-established requirements for reconsideration of Media Bureau and Commission decisions. The Reconsideration Petition does not demonstrate material error in the Bureau Order, nor does Mr. Beauford allege newly discovered facts. Instead, Mr. Beauford reiterates the facts and arguments contained in the Petition to Deny and properly addressed by the Media Bureau in the Bureau Order. The Reconsideration Petition also falls far short of setting forth any legitimate basis for the extraordinary remedy of license revocation or designation for hearing. For these reasons, the Media Bureau should deny the Reconsideration Petition.

Respectfully submitted,

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¹⁹ “Taken together, that political file violation and the unrelated admonishment we issue today with regard to the public access file violation fall well short of the threshold pattern of abuse that would warrant the designation of a hearing.” Bureau Order at 8. *See also* Bureau Order at 8 n. 56 (citing *William Rogers, et al.*, Letter Order (MB 2006) (renewing a station license despite admonishing station WXYC(AM) for failing to maintain a political file and other violations)).

CERTIFICATE OF SERVICE

I, Christina H. Burrow, do hereby certify that, on this 11th day of July 2023, I caused a copy of the foregoing “Opposition to Petition for Reconsideration” to be served via U.S. mail upon the following:

Mr. Darryl Brian Beauford
120 Zoie Court
Fayetteville, GA 30215

/s/
Christina H. Burrow