



Federal Communications Commission
Washington, D.C. 20554

December 20, 2005

DA 05-3231

Released: December 20, 2005

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Univision Atlanta LLC
WUVG-TV
1999 Avenue of the Stars
Suite 3050
Los Angeles, CA 90067

Re: Univision Atlanta LLC
WUVG-TV, Athens, GA
Facility ID No. 48813
File No. BRCT-20041201BYC

Dear Licensee:

This refers to your license renewal application for station WUVG-TV, Athens, GA.

Section 73.3526 of the Commission's Rules (Rules) requires broadcast licensees to maintain a public inspection file containing specific types of information related to station operations.¹ Section 73.3526(e)(11)(i) of the Rules provides that a TV issues/programs list is to be placed in a commercial TV broadcast station's public inspection file for each calendar quarter by the tenth day of the succeeding calendar quarter. Where lapses occur in maintaining the public file, neither the negligent acts nor omissions of station employees or agents, nor the subsequent remedial actions undertaken by the licensee, excuse or nullify a licensee's rule violation.²

On December 1, 2004, you filed a license renewal application (FCC Form 303-S) for station WUVG-TV, Athens, Georgia (File No. BRCT-20041201BYC). In response to Section IV, Question 3 of that application, you certify that, during the previous license term, station WUVG-TV failed to place in its public inspection file at the appropriate times, all of the documentation required by Section 73.3526 of the Commission's Rules. In Exhibit 17 to station WUVG-TV's renewal application, you indicate that during a review of the station's public inspection file, it discovered that the TV issues/programs list for the fourth quarter of 2001 was missing. You

¹ See 47 C.F.R. § 73.3526.

² See *Padre Serra Communications, Inc.*, 14 FCC Rcd 9709 (1999) (citing *Gaffney Broadcasting, Inc.*, 23 FCC 2d 912, 913 (1970) and *Eleven Ten Broadcasting Corp.*, 33 FCC 706 (1962)); *Surrey Range Limited Partnership*, 71 RR 2d 882 (FOB 1992).

assert that this list is from the time shortly after the current owner assumed control of the station. You claim that after a change in ownership, the current licensee reviewed the public file and found unnecessary documents in the file. As a result, you state, station WUVG-TV and a Univision Communications Inc. employee reviewed these items, discarded unnecessary items, and organized the remaining items. You indicate that it is believed that in the process, the TV issues/programs list for the fourth quarter of 2001 may have been misplaced. You maintain that this instance is a *de minimis* matter, particularly given the licensee's history of overall compliance.

Based upon the record before us, the violation described in your renewal application appears to have been an isolated occurrence. Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violation of Section 73.3526(e)(11)(i) of the Rules described in station WUVG-TV's renewal application.

In evaluating an application for license renewal, the Commission's decision is governed by Section 309(k) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 309(k). Section 309(k) provides that if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Communications Act or the Commission's Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.³ If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”⁴

The public inspection file rule serves the critical function of making available to the public important information related to station operations. On balance, however, we find that Univision Atlanta LLC's violation of Section 73.3526 does not constitute a “serious violation” of the Commission's rules warranting designation for evidentiary hearing. Moreover, we find no evidence of violations that, when considered together, evidence a pattern of abuse. Further, we find that station WUVG-TV served the public interest, convenience, and necessity during the subject license term. We will therefore grant the license renewal application below.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Univision Atlanta LLC at the address listed above,

³ 47 U.S.C. § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). See *Order, Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, 11 FCC Rcd 6363 (1996).

⁴ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

and to its counsel, Lauren Lynch Flick, Esquire, Shaw Pittman LLP, 2300 N Street, N.W., Washington, D.C. 20037.

Finally, IT IS FURTHER ORDERED that, the application (File No. BRCT-20041201BYC) of Univision Atlanta LLC for renewal of license for station WUVG-TV, Athens, Georgia, IS GRANTED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau