



Federal Communications Commission
Washington, D.C. 20554

June 29, 2006

DA 06- 1329
In Reply Refer To:
800B3-RDH
Released: June 29, 2006

Mr. George Philip Reno
400 NW 1st Avenue
Gainesville, FL 32601

In re: **WUFT-FM, Gainesville, FL**
Facility ID No. 66604
File No. BRED – 20031001BYR
Application for Renewal of License

Informal Objection

Dear Mr. Reno:

This letter concerns the captioned application filed by the Board of Regents, University of Florida (“University”) to renew the license of station WUFT-FM, Gainesville, Florida. Also on file is George Philip Reno’s (“Reno”) October 2, 2003, informal objection directed to the subject renewal application.¹ For the reasons set forth below, we deny the objection and grant the renewal application.

Background/Discussion. On October 1, 2003, the University filed the renewal application for WUFT-FM. It certified that it had no character issues outstanding with respect to this or any other outstanding broadcast application to which it was a party and that it had not violated the Communications Act of 1934, as amended, or the Commission’s rules and regulations during the preceding license term.

In support of his objection, Reno states WUFT-FM refused to replace its regular programming of classical music with informational programming during the terrorist attacks on the United States on September 11, 2001. This, he asserts, deprived Florida residents of access to necessary information. The University did not file a response to Reno’s informal objection.

In evaluating an application for license renewal, the Commission’s decision is governed by Section 309(k) of the Communications Act. That section provides that we are to grant the renewal application 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.² If, however, the licensee fails to meet that standard, the

¹ The University did not file a response to Mr. Reno’s informal objection.

² 47 U.S.C. §309(k)(1). The renewal standard was amended 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).

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.”³

The Commission has long held that radio stations have an obligation to provide coverage of issues facing their communities.⁴ However, each licensee is given broad discretion to identify issues and air programming responsive to community needs and interests. In making this determination, stations may reasonably take into account the programming provided by other stations in the market.⁵ Therefore, WUFT-FM violated no statutory or regulatory requirement if, as Mr. Reno claims, the station did not provide news coverage of the tragic events of September 11, 2001. While the Commission appreciates Mr. Reno’s interest, the First Amendment and the noncensorship provisions of the Communications Act, sharply limit the Commission’s ability to review programming decisions of licensees. The Commission rarely interferes with the programming decisions and discretion of a licensee.⁶ While we encourage all listeners to share their views on programming with stations in their communities, we cannot take adverse action on a license renewal application based upon differences of opinion.⁷ Accordingly, we find evidence of neither serious violations of the Communications Act or the Commission’s Rules, nor other violations that, when considered together, evidence a pattern of abuse. Further, we find that station WUFT-FM served the public interest, convenience, and necessity during the subject license term. Thus, we will grant that application.

Conclusion/Actions. Accordingly, IT IS ORDERED, that the Reno objection IS DENIED. the application for renewal (File No. BRED – 20031001BYR) for station WUFT-FM, Gainesville, Florida, IS GRANTED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

Cc: Board of Regents, University of Florida
Lawrence M. Miller, Esq.

³ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁴ *Deregulation of Radio*, Report and Order, 84 FCC 2d 968, 977 (1981), *on recon.*, 87 FCC 2d 797 (1981), *remanded on other grounds sub nom., Office of Communication of the United Church of Christ v. FCC*, 707 F.2d 1413 (D.C. Cir. 1983).

⁵ *Id.* at 978, 982 n. 32.

⁶ *See* 47 U.S.C. § 326.

⁷ Reno has not provided any evidence that the Emergency Alert System was activated on a national, state or local level on that day. Had it been activated, WUFT-FM may have been required to discontinue normal operations and broadcast emergency information concerning the attacks of that day. *See* Section 11.1 *et seq.* of the Commission’s Rules (47 C.F.R. § 11.1 *et seq.*).