



Federal Communications Commission
Washington, D.C. 20554

July 12, 2006

DA 06-1428

In Reply Refer To:

1800B3-RDH

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Mr. Joseph M. Goldsmith
202 Elm Street
P.O. Box 1222
Clinton, SC 29325

In re: **WEPR(FM) Greenville, SC**
Facility ID No. 60926
File No. BRED – 20030729AGY
Application for Renewal of License

Informal Objection

Dear Mr. Goldsmith:

This letter concerns the captioned application filed by the South Carolina Educational Television Commission (“SCETC”) to renew the license of station WEPR(FM), Greenville, South Carolina. Also on file is Joseph M. Goldsmith’s (“Goldsmith”) October 10, 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 July 29, 2003, SCETC filed the renewal application for WEPR(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, Goldsmith states WEPR(FM) uses a microwave relay to transmit programming from its studios to its transmission facilities. As a result, he contends, WEPR(FM) loses its signal for extended periods of time, particularly during periods of hurricanes and other inclement weather. This, he states, deprives area residents of official emergency information. SCETC did not file a response to Goldsmith’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,

¹ SCETC did not file a response to Mr. Goldsmith’s informal objection.

taken together, constitute a pattern of abuse.² 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.”³

The Commission does not have any rules regulating the type of studio-transmitter link that must be used by radio licensees. Thus, whether WEPR(FM) uses a telephone line or microwave relay is not relevant to our license renewal determination. Similarly, the fact that technical difficulties may cause interruptions in service would not, of itself, provide a basis for concluding that the station has not served the public interest. Our rules anticipate that there will be times when difficulties beyond the control of the licensee result in a discontinuation of service.⁴ Goldsmith has not alleged that SCETC violated the regulation governing such temporary service outages.⁵ 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 WEPR(FM) served the public interest, convenience, and necessity during the subject license term. Thus, there is no need for further inquiry regarding grant of the subject renewal application and we will grant that application.

Conclusion/Actions. Accordingly, IT IS ORDERED, that the Goldsmith objection IS DENIED. IT IS FURTHER ORDERED, that the application for renewal (File No. BRED – 20030729AGY) for station WWPR(FM), Greenville, South Carolina, IS GRANTED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: South Carolina Educational Television Commission
Margaret L. Miller, Esq.

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).

³ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁴ *See* 47 C.F.R. § 73.561(d).

⁵ When service is suspended due to circumstances beyond the licensee’s control, Section 73.561(d) provides that the licensee may discontinue operation for a period not to exceed 30 days without further authorization from the Commission provided that it notifies the Commission within ten days of the beginning of limited or discontinued operation.