



Federal Communications Commission  
Washington, D.C. 20554

December 27, 2006

DA 06-2604  
In Reply Refer to: 1800B3-BSH  
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In re: **WKAF(FM), Brockton, MA**  
Facility ID No. 19633  
File No. BALH-20060823ACP  
Application for Assignment of License

**Petitions to Deny**

Dear Counsel:

We have before us the above-captioned application (“Assignment Application”) proposing to assign the license of Station WKAF(FM) (formerly WILD-FM), Brockton, Massachusetts, from Radio One Licenses, LLC (“Radio One”) to Entercom Boston License, L.L.C. (“Entercom”). A significant number of WKAF(FM) listeners have filed comments with the Commission regarding the Assignment Application, expressing strong appreciation for the current programming on the station and asking the Commission to bar the proposed sale to Entercom. We hereby extend the formal public comment period through the date of this letter and will accordingly consider each such submission to be a petition to deny the Assignment Application. For the reasons stated below, we deny the petitions and grant the Assignment Application.

While the Commission recognizes that WKAF(FM)'s “classic R&B” music format and programming relating to the African-American community have attracted a devoted listenership, it is well-settled policy that the Commission does not scrutinize or regulate programming formats, nor does it take potential changes in programming formats into consideration in reviewing assignment applications. In 1976, the Commission issued a Policy Statement in which it concluded that review of program formats was not required by the Communications Act of 1934, as amended, would not benefit the public, and would deter innovation, as well as impose substantial administrative burdens on the Commission.<sup>1</sup> The Supreme Court of the United States has upheld this policy and the Commission’s determination that “the public interest is best served by promoting diversity in entertainment formats through market forces and

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<sup>1</sup> See *Changes in the Entertainment Formats of Broadcast Stations*, Memorandum Opinion and Order, 60 FCC 2d 858, 865-66 (1976), *recon. denied*, 66 FCC 2d 78 (1977), *rev'd sub nom. WNCN Listeners Guild v. FCC*, 610 F. 2d 838 (D.C. Cir. 1979), *rev'd*, 450 U.S. 582 (1981).

competition among broadcasters. . .” and that a change in programming is not a material factor that should be considered by the Commission in ruling on applications for approval of license assignments or transfers.<sup>2</sup>

Based on the above, we find that no petitioner has raised a substantial and material question of fact warranting further inquiry. We further find that Entercom Boston License, L.L.C. is qualified as the assignee and that grant of the Assignment Application is consistent with the public interest, convenience and necessity. Accordingly, IT IS ORDERED, that the petitions to deny filed by the petitioners ARE DENIED, and that the application to assign the license of station WKAF(FM), Brockton, Massachusetts (File No. BALH-20060823ACP) from Radio One Licenses, LLC to Entercom Boston License, L.L.C. IS GRANTED.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Petitioners

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<sup>2</sup> *FCC v. WNCN Listener's Guild*, 450 U.S. at 585.