



Federal Communications Commission  
Washington, D.C. 20554

February 8, 2006

**DA 06-302**

**Released: February 8, 2006**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Jefferson-Pilot Communications/WBTV, Inc.  
WBTV(TV)  
One Julian Price Place  
Charlotte, NC 28208

Re: Jefferson-Pilot Communications/WBTV, Inc.  
WBTV(TV), Charlotte, NC  
Facility ID No. 30826  
File No. BRCT-20040802ACE

Dear Licensee:

This refers to your license renewal application for station WBTV(TV), Charlotte, North Carolina.

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.<sup>1</sup> As set forth in Section 73.3526(e)(11)(iii) of the Rules, each commercial television broadcast station is required to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children. Section 73.3526(e)(11)(iii) of the Rules also requires commercial television stations to file the reports with the Commission and to publicize the existence and location of the reports. 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.<sup>2</sup>

On August 2, 2004, you filed a license renewal application (FCC Form 303-S) for station WBTV(TV), Charlotte, North Carolina (File No. BRCT-20040802ACE). In response to Section IV, Question 3 of that application, you certify that, during the previous license term, station WBTV(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 of the application, you state that the licensee timely filed its Children's Television Programming

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<sup>1</sup> See 47 C.F.R. § 73.3526.

<sup>2</sup> 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).

Reports with the Commission. You also state, however, that during a recent audit of the station's public inspection file, the licensee was unable to locate copies of the Children's Television Programming Reports for the first and fourth quarters of 1999. You maintain that the licensee immediately placed copies of these documents in station WBTV(TV)'s public inspection file.

Based upon the record before us, the violations described in your renewal application appear to have been isolated occurrences. 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 violations of Section 73.3526(e)(11)(iii) of the Rules described in station WBTV(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.<sup>3</sup> 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.”<sup>4</sup>

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 Jefferson-Pilot Communications/WBTV, Inc.'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 WBTV(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 Jefferson-Pilot Communications/WBTV, Inc. at the address listed above, and to its counsel, James R. Bayes, Esquire, Wiley Rein & Fielding LLP, 1776 K Street, N.W., Washington, D.C. 20006.

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<sup>3</sup> 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).

<sup>4</sup> 47 U.S.C. §§ 309(k)(2), 309(k)(3).

Finally, IT IS FURTHER ORDERED that, the application (File No. BRCT-20040802ACE) of Jefferson-Pilot Communications/WBTV, Inc. for renewal of license for station WBTV(TV), Charlotte, North Carolina, IS GRANTED.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau