



Federal Communications Commission
Washington, D.C. 20554

DA 07-3609

Released: August 15, 2007

Oregon Alliance to Reform Media
c/o Andrew Jay Schwartzman, Esq.
Media Access Project
Suite 1000
1625 K Street, NW
Washington, D.C. 20006

Re: Petition to Deny License Renewal
Applications of Portland, Oregon, Area
Commercial Television Stations

Gentlemen:

On December 26, 2006, Oregon Alliance to Reform Media ("ORARM") filed a Petition to Deny the license renewal applications of 8 broadcast television stations in the Portland, Oregon, metropolitan area.¹ The licensees of various stations named in the petition filed timely opposition pleadings, and ORARM filed a reply pleading to the relevant oppositions on February 13, 2007. For the reasons set forth below, we deny the petition.²

Section 309(k)(1) of the Communications Act of 1934, as amended (the "Act"), states that the Commission shall grant a license renewal application if it finds, "*with respect to that station,*" that (a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Communications Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of the Act or Commission rules or regulations which, taken together, would constitute a pattern of abuse.³ The Commission analyzes any public interest allegation according to a two-step process. The petition must first contain

¹ The stations and licensees named in the petition are attached to this letter as an Appendix. In a declaration in support of the petition, a member of ORARM states that the organization "promotes informed community participation in creating a responsive and responsible media and communications environment to serve the public interest of the people of Oregon." In addition, a letter in support of the petition was received by The League of Women Voters of Portland, and individual residents of Portland, Oregon, and Vancouver, Washington submitted letters and/or e-mails both supporting and opposing the petition.

² We will exercise our discretion and consider all of the pleadings, and allegations raised therein, that have been filed by the parties. Thus, we need not determine whether ORARM has standing.

³ 47 U.S.C. §309(k)(1).

specific allegations of fact sufficient to show that such a grant would be *prima facie* inconsistent with the public interest.⁴ If so, the Commission will designate the application for hearing if the allegations, together with any opposing evidence before the Commission, raise a substantial and material question of fact as to whether grant would serve the public interest, or if the Commission is otherwise unable to conclude that granting the application would serve the public interest.⁵

ORARM contends that named Portland-area broadcast stations have failed to present adequate programming relating to state and local elections and ballot issues during the 2004 election campaign. ORARM attaches to its petition a study by the Center for Media and Public Affairs ("CMPA"), entitled "2004 Campaign News Study in Chicago, Milwaukee and Portland Markets," which asserts that during the four weeks prior to the 2004 election, less than 1 percent of newscasts in the Portland market were devoted to state-level elections, about 9 percent to ballot issues, and less than 1 percent to other local elections.⁶

We conclude that the petition fails to establish that the programming judgments of the subject stations are *prima facie* inconsistent with the public interest. The Commission has long held that "[t]he choice of what is or is not to be covered in the presentation of broadcast news is a matter to the licensee's good faith discretion," and that "the Commission will not review the licensee's news judgments."⁷ The CMPA study has not provided evidence that the named licensees exercised their editorial discretion in bad faith. The study provided only concerns one type of programming, local election coverage just prior to the 2004 election. It does not demonstrate that television programming in the Portland area has generally been unresponsive.⁸

⁴ 47 U.S.C. §309(d)(1); *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988) ("Astroline").

⁵ *Astroline*, 857 F.2d at 1561; 47 U.S.C. §309(e).

⁶ It states that the data shows that: only 4.9% of total newscast time was devoted to elections in the four weeks prior to the election, and that national races accounted for 80% of that coverage; and that non-federal elections and ballot referenda together accounted for about 10% of that coverage, well under 1% of the total time devoted to news on the four monitored stations.

⁷ *American Broadcasting Companies, Inc.*, 83 FCC 2d 302, 305 (1980). See also *Dr. Paul Klite*, 12 Com. Reg. (P&F) 79, 81-82 (MMB 1998), *recon. denied sub nom.*, *McGraw-Hill Broadcasting Co.*, 16 FCC Rcd 22739 (2001).

⁸ See *Chicago Media Action and Milwaukee Public Interest Media*, DA 07-2530, released June 13, 2007.

Accordingly, the Petition to Deny filed by Oregon Alliance to Reform Media **IS DENIED.**

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Jonathan D. Blake, Esq. (Fisher Broadcasting-Portland TV, L.L.C.)
David D. Burns, Esq. (Montecito Portland License, LLC)
Kevin P. Latek, Esq. (Meredith Corporation)
Kathleen Kirby, Esq. (King Broadcasting, Company)
Daniel A. Kirkpatrick, Esq. (Paxson Salem License, Inc.)
Colby M. May, Esq. (National Minority T.V., Inc.)
R. Clark Wadlow, Esq. (Tribune Broadcast Holdings, Inc.)

APPENDIX

Stations Named in Petition to Deny

CALL SIGN	COMMUNITY OF LICENSE	LICENSEE	FILE NO.	FACILITY ID NO.
KATU(TV)	Portland, OR	Fisher Broadcasting-Portland TV, L.L.C.	BRCT-20060928AOZ	21649
KOIN(TV)	Portland, OR	Montecito Portland License, LLC	BRCT-20061002AVY	35380
KPTV(TV)	Portland, OR	Meredith Corporation	BRCT-20061002AXF	50633
KGW(TV)	Portland, OR	King Broadcasting, Company	BRCT-20061002AUN	34874
KPXG(TV)	Salem, OR	Paxson Salem License, Inc.	BRCT-20060929AKA	5801
KNMT(TV)	Portland, OR	National Minority T.V., Inc.	BRCT-20060929AHS	47707
KPDx(TV)	Vancouver, WA	Meredith Corporation	BRCT-20061002AXR	35460
KRCW-TV	Salem, OR	Tribune Broadcast Holdings, Inc.	BRCT-20060929APG	10192