



Federal Communications Commission
Washington, D.C. 20554

DA 21-1187
Released: September 22, 2021

Greater Dayton Public Television, Inc.
110 South Jefferson Street
Dayton, OH 45402

Klensman@thinktv.org
bpersh@graymillerpersh.com

Re: WPTD, Dayton, OH
Facility ID No.: 25067
FRN: 0006842835
LMS File No.: 0000148845

Dear Licensee:

This letter is in reference to the license renewal application (Application) for WPTD, Dayton, OH (Station), which is licensed to Greater Dayton Public Television, Inc. (Licensee).¹ We hereby admonish the Station for its violation of section 73.3527(e)(8) of the Commission's rules (Rules).²

Section 73.3527(e)(8) of the Rules requires every noncommercial educational television licensee to place in its Online Public Inspection File (OPIF), on a quarterly basis, a TV issues/programs list that details programs that have provided the station's most significant treatment of community issues during the preceding three month period and must include a brief narrative of the issues addressed, as well as the time, date, duration, and title of each program in which the issues were treated.³ TV issues/programs lists must be placed in the station's OPIF by the tenth day of the succeeding calendar quarter and copies must be retained until final action on the station's next license renewal application.⁴

On June 1, 2021, the Licensee filed its Application. A staff inspection of the Station's OPIF revealed that the Licensee uploaded certain copies of its TV issues/programs lists after the deadline established in section 73.3527(e)(8).⁵ Specifically, the licensee uploaded 3 lists between one month and one year late, and 8 lists between one day and one month late. This constitutes a violation of section 73.3527(e)(8) of the Rules.

While we do not rule out more severe sanctions for similar 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** the Station for its violation of section 73.3527(e)(8) of the Rules.⁶ We remind the Licensee that the Commission expects all licensees to comply with the Commission's public inspection file rules.

¹ LMS File No. 0000148845. WPTD is a noncommercial educational television station.

² 47 CFR § 73.3527(e)(8).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ This admonishment is issued pursuant sections 1.80 and 0.283(d) of the Rules, 47 CFR §§ 1.80 and 0.283.

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).⁷ That section 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 Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.⁸ 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 as are appropriate, including renewal for a term less than the maximum otherwise permitted.”⁹ We find that the Licensee's apparent violation of section 73.3527(e)(8) of the Rules does not constitute a “serious violation” warranting designation of the Application for evidentiary hearing. Moreover, we find no evidence of violations that, when considered together, constitute a pattern of abuse. Further, based on our review of the Application, we find that the Station served the public interest, convenience, and necessity during the subject license term.

Accordingly, **IT IS ORDERED** that, the application for renewal of license of WPTD, Dayton, OH **IS GRANTED**. **IT IS FURTHER ORDERED**, that copies of this Letter shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Greater Dayton Public Television, Inc., 110 South Jefferson Street, Dayton, OH 45402 and to its legal representative, Barry S. Persh, 2233 Wisconsin Avenue, NW, Suite 226, Washington, DC 20007.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁷ 47 U.S.C. § 309(k).

⁸ 47 U.S.C. § 309(k)(1).

⁹ 47 U.S.C. §§ 309(k)(2), 309(k)(3).