



Federal Communications Commission
Washington, D.C. 20554

February 7, 2014

John R. Spofforth
7 Brown Avenue
Athens, OH 45701

Re: WOUB-TV, Athens, Ohio
File No. BREDT-20130528ALP
Facility ID No. 50147

Dear Mr. Spofforth:

This is with respect to your letter opposing the grant of the broadcast television renewal application filed by Ohio University for Station WOUB-TV, Athens, Ohio ("WOUB").

On July 9, 2013, you filed a letter opposing the renewal of WOUB's broadcast television license. You stated that you object to the substance of various programming aired by WOUB, a PBS affiliate. In particular, you believe that some of the programming on WOUB should not be aired during "family hours" of 9 pm to midnight and should instead be aired after midnight (12 am).

In your letter, you stated that the content of the PBS drama and adventure program 'European MHZ' contains content depicting "killing, murder, terrorism, degradation and rape...." You contend that such programming is better suited for airing after midnight (12 am) "[i]n order to preserve local 'family hours' and protect our young people from this content...." Although the Commission does regulate broadcast content where federal statutes direct it to do so,¹ the Commission does not take adverse action on a license renewal application based upon the "subjective determination of a viewer or group of viewers, as to what is or is not good programming."² Under the First Amendment of the United States Constitution and Section 326 of the Act, the Commission is generally prohibited from involving itself in the content of specific programs or otherwise engaging in activities that might be regarded as program censorship. Although individuals may disagree with a broadcaster's choice in programming, broadcasters are afforded a great deal of discretion in the scheduling, selection and presentation of programming. The Commission will only intervene in programming matters only if a licensee is shown to have abused that discretion.

Thank you for your inquiry regarding this station. If you have any further questions regarding this matter, please contact Evan Morris at evan.morris@fcc.gov or at (202) 418-1656.

Sincerely,

A handwritten signature in black ink that reads "David J. Brown".

David J. Brown
Associate Chief, Video Division
Media Bureau

¹ See 18 U.S.C. § 1464 (prohibiting the broadcast of obscene, indecent and profane material).

² See *WGBH Educational Foundation*, Memorandum Opinion and Order, 69 FCC 2d 1250, 1251 (1978)

cc:

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