



Federal Communications Commission  
Washington, D.C. 20554

July 18, 2014

Journal Broadcast Corporation  
3355 South Valley View Boulevard  
Las Vegas, Nevada 89102

Re: WTMJ-TV, Milwaukee, Wisconsin  
File No. BRCT-20050729CYF  
Facility ID 74098

Dear Licensee:

On October 31, 2005, Sharon Newman (“Objector”) filed an informal objection opposing the license renewal of Station WTMJ-TV, Milwaukee, Wisconsin, which is licensed to Journal Broadcast Corporation (“Licensee”). For the reasons set forth below, we deny the informal objection.

*Background.* Objector contends that the license renewal application for WTMJ-TV should not be renewed until indecency complaints against the station are adjudicated. Objector specifically refers to the August 31, 2004 broadcast of the show “Father of the Pride,” which Objector contends contained indecent material.

Section 309(k)(1) of the Communications Act of 1934 (the “Act”) states that the Commission shall grant a license renewal application if it finds that (a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations of the Communications Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of this Act or the rules or regulations of the Commission which, taken together, would constitute a pattern of abuse.<sup>1</sup> When an informal objection is filed against a license renewal application, the Commission applies a two-step analysis under the public interest standard.<sup>2</sup> The Commission must first determine whether the informal objection contains specific allegations of fact sufficient to show that granting the application would be *prima facie* inconsistent with the public interest.<sup>3</sup> If an informal objection meets this first step, the Commission must determine “whether the totality of the evidence raises a substantial and material question of fact justifying further inquiry.”<sup>4</sup> If no such question is raised, the Commission will deny the informal objection and grant the application if it concludes that such grant otherwise serves the public interest, convenience, and necessity.<sup>5</sup>

*Discussion.* The Commission has already ruled on the merits of Objector’s allegation and concluded that the material was not indecent.<sup>6</sup> We have reviewed the facts presented in the informal

<sup>1</sup> 47 U.S.C. § 309(k)(1).

<sup>2</sup> *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556, 1561 (D.C. Cir. 1988); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 862, 864 (1986) (informal objections, like petitions to deny, must contain adequate and specific factual allegations sufficient to warrant the relief requested).

<sup>3</sup> 47 U.S.C. § 309(k)(1).

<sup>4</sup> *Citizens for Jazz on WRVR v. FCC*, 775 F.2d 392, 395 (D.C. Cir. 1985) (citing 47 U.S.C. §309(k)(2)); *Area Christian Television, Inc.*, 60 RR at 864.

<sup>5</sup> 47 U.S.C. § 309(k)(1).

<sup>6</sup> *Complaints Regarding Various Television Broadcasts Between Feb. 2, 2002 and Mar. 8, 2005*, Notices of Apparent Liability and Memorandum Opinion and Order, 21 FCC Rcd 2664, 2710 (2005).

objection and conclude that it does not contain specific allegations which would justify denial or designation of the license renewal application or demonstrate a pattern of non-compliant behavior.<sup>7</sup>

We therefore conclude that the informal objection does not allege violations that raise substantial and material questions of fact concerning the Licensee's qualifications or would otherwise justify designation of the Station WTMJ-TV license renewal application for hearing pursuant to section 309(k) of the Act.<sup>8</sup> Accordingly, it is ordered that the informal objection filed by Sharon Newman **IS DENIED**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Kreisman', written in a cursive style.

Barbara Kreisman  
Chief, Video Division  
Media Bureau

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<sup>7</sup> *EZ New Orleans, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 7164 (1999); *Eagle Radio, Inc.*, Memorandum Opinion and Order, 9 FCC Rcd 1294, 1295 (1994).

<sup>8</sup> *Id.*