



**Federal Communications Commission  
Washington, D.C. 20554**

February 23, 2012

*In Reply Refer to:*  
1800B3-BSH

Ms. Kathryn J. Rogers  
15 Forge Mountain Drive  
Phoenixville, PA 19460

Family Stations, Inc.  
c/o Michelle A. McClure, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street, 11th Floor  
Arlington, VA 22209-3801

In re: **WKDN(FM), Camden, New Jersey**  
Facility ID No. 20842  
File No. BALH-20111206AFZ

**Application for Assignment of License  
Informal Objection**

Dear Ms. Rogers and Counsel:

We have before us the above-referenced application seeking approval for the proposed assignment of license of Station WKDN(FM), Camden, New Jersey (the "Station"), from Family Stations, Inc. ("FST") to Merlin Media License LLC ("Merlin") (the "Assignment Application"). On December 22, 2011, Kathryn J. Rogers ("Rogers") filed an informal objection to the Assignment Application.<sup>1</sup> For the reasons stated below, we deny the Informal Objection and grant the Assignment Application.

Rogers expresses concern about the programming that would be available on the Station if Merlin were its licensee. In particular, Rogers believes that grant of the Assignment Application will eliminate unique religious programming in the listening area and will make "radio options in this area even more homogeneous and less diverse than they are now."<sup>2</sup> In response, FSI argues that the Commission should properly consider the legal qualifications of the parties, but should not consider potential format changes in its review of the Assignment Application.

While the Commission appreciates Rogers' concerns about programming in her listening area, it is well-settled policy that the Commission does not scrutinize or regulate programming, nor does it take potential changes in programming formats into consideration in reviewing assignment applications. In 1976, the Commission issued a Policy Statement in which it concluded that review of program formats was not required by the Communications Act of 1934, as amended, would not benefit the public, would

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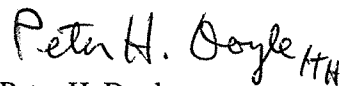
<sup>1</sup> FSI filed an Opposition to Informal Objection on February 3, 2012.

<sup>2</sup> Informal Objection at 1.

deter innovation, and would impose substantial administrative burdens on the Commission.<sup>3</sup> The Supreme Court of the United States has upheld this policy and the Commission's determination that a change in programming is not a material factor that should be considered by the Commission in ruling on applications for license transfer.<sup>4</sup> Notwithstanding this Commission policy, we emphasize that each licensee is required to operate in accord with the terms of its authorization, and in the public interest. Finally, regarding programming matters, we suggest that listeners convey their concerns directly to the station.

Based on the above, we find that Rogers has not raised a substantial and material question of fact warranting further inquiry. We further find that Merlin is qualified to hold the Station's license and that grant of the Assignment Application is consistent with the public interest, convenience and necessity. Accordingly, IT IS ORDERED, that Kathryn J. Rogers' December 22, 2011, informal objection to the Assignment Application IS DENIED, and that the application for approval to assign the license for Station WKDN(FM), Camden, New Jersey (File No. BALH-20111206AFZ), from Family Stations, Inc. to Merlin Media License LLC IS GRANTED.

Sincerely,

A handwritten signature in black ink that reads "Peter H. Doyle" with a stylized "H" and "D" at the end.

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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<sup>3</sup> See *Changes in the Entertainment Formats of Broadcast Stations*, Memorandum Opinion and Order, 60 FCC 2d 858, 865-66 (1976), *recon. denied*, Memorandum Opinion and Order, 66 FCC 2d 78 (1977), *rev'd sub nom. WNCN Listeners Guild v. FCC*, 610 F.2d 838 (D.C. Cir. 1979), *rev'd*, 450 U.S. 582 (1981).

<sup>4</sup> *FCC v. WNCN Listener's Guild*, 450 U.S. 582, 585 (1981).