



Federal Communications Commission  
Washington, D.C. 20554

June 26, 2012

*In Reply Refer to:*  
1800B3-MFW

Mr. Robert King  
1705 West Bloomington Road  
Apartment 204-L  
Champaign, IL 61821

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Suite 1100  
1500 K Street, N.W.  
Washington, DC 20005

In re: **March 16, 2012, Petition to Deny Renewal of  
All Licenses For Townsquare Media Stations  
in Arkansas and Louisiana**

Gentlemen:

We have before us: (1) the license renewal applications of Townsquare Media subsidiary entities (collectively, "Townsquare") for stations in Arkansas and Louisiana listed in the Appendix to this letter (the "Townsquare Renewal Applications"); and (2) a March 16, 2012, "Petition to Deny Renewal of All Licenses For Townsquare Media Stations in Arkansas and Louisiana" filed by Mr. Robert King (the "King Objection").<sup>1</sup> For the reasons set forth below, we deny the King Objection in part and dismiss it in part and, with the exception of Station KTSR(FM), DeQuincy, Louisiana, we grant the Townsquare Renewal Applications.

*Background.* Townsquare timely filed the listed renewal applications for its Arkansas and Louisiana stations on January 31, 2012. On March 16, 2012, King filed his Objection, directing it to the Investigations and Hearings Division of the Commission's Enforcement Bureau ("IHD"). In the Objection, King requests that the Commission deny the Townsquare Renewal Applications because it and its officers and employees are responsible for civil and criminal violations in its operation of three radio stations in El Paso, Texas (the "El Paso Stations").<sup>2</sup> King argues, *inter alia*, that Townsquare prematurely assumed control of the El Paso Stations, broadcast indecent material and cigarette advertisements,<sup>3</sup> and received "payola" for running announcements without identifying the sponsor.<sup>4</sup>

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<sup>1</sup> The King Objection also references Townsquare Media Stations KPWW(FM), Hooks, Texas, KKYR(FM), Texarkana, Texas, and KTUX(FM), Carthage, Texas. Because none of those stations has a pending license renewal application – Texas station renewal applications are not due until April 1, 2013, pursuant to 47 C.F.R. § 73.1020 – we will dismiss the King Objection as it pertains to those stations.

<sup>2</sup> KLAQ(FM), KROD(AM), and KSII(FM), owned by Townsquare Media of El Paso, Inc.

<sup>3</sup> See 47 C.F.R. § 73.4055; 15 U.S.C. § 1335.

<sup>4</sup> See 47 C.F.R. §§ 73.1212, 73.4180.

Discussion. Procedural Issue. Under Section 309(d) of the Communications Act of 1934, as amended (the “Act”), a party has standing to file a petition to deny if grant of an application would result in, or be reasonably likely to result in, some injury of a direct, tangible or substantial nature.<sup>5</sup> The Commission also accords party-in-interest status to a petitioner who demonstrates that he/she listens to or views the station regularly and that such listening or viewing is not the result of transient contacts with the station.<sup>6</sup> King does not provide in either of its pleadings any allegations raising a specific injury that would be caused to it by grant of the Application, nor does he, as a resident of Champaign, Illinois, attempt to establish listener/residence status as a basis for standing. The King Objection also fails to provide an affidavit to support its factual allegations, as required by Section 309(d)(1) of the Act.<sup>7</sup> Accordingly, we will dismiss the King Objection as a petition to deny. We will, however, treat the pleading as an informal objection pursuant to Section 73.3587 of the Commission’s Rules (the “Rules”).<sup>8</sup>

Substantive Issues. This case concerns applications for renewal which must be evaluated under Section 309(k) of the Act. Section 309(k) provides that we are to grant a broadcast station’s license renewal application if, upon consideration of the application and pleadings, we find *with respect to that station* that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Communications Act or the Commission’s Rules with respect to that station; and (3) there have been no other violations which, taken together, constitute a pattern of abuse.<sup>9</sup> 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 that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”<sup>10</sup> Section 309(k) precludes consideration of allegations of misconduct at any station but that for which a renewal application is before the agency. This position is reflected in the broadcast license renewal form and instructions.<sup>11</sup> Because the misconduct alleged in the King Objection took place at stations other than the stations whose renewal applications are before us, *i.e.*, the El Paso Stations, we may not consider those allegations in connection with our evaluation of the Townsquare Renewal Applications.<sup>12</sup>

Conclusion/Actions. For the foregoing reasons, we find that King has failed to raise a substantial and material question of fact calling for further inquiry regarding the propriety of granting the license renewal applications of the captioned stations. We therefore deny the King Objection as it relates to the Townsquare Renewal Applications.

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<sup>5</sup> See, e.g., *Telesis Corp.*, Memorandum Opinion and Order, 68 FCC2d 696 (1978).

<sup>6</sup> See *Tabback Broadcasting Company*, Memorandum Opinion and Order, 15 FCC Rcd 11899, 11900 n.3 (2000); *Chet-5 Broadcasting, L.P.*, Memorandum Opinion and Order, 14 FCC Rcd 13041 (1999).

<sup>7</sup> 47 U.S.C. § 309(d)(1). The King Objection does contain an indication that it was served on the law firm, although not the specific attorney, listed as the contact in the Townsquare Renewal Applications.

<sup>8</sup> 47 C.F.R. § 73.3587. See *Letter to Michael Lazarus, Esq. et al.*, 26 FCC Rcd 5966, 596 n.2 (MB 2011); *Letter to Geraldine R. Miller and George Borsari, Esq.*, 24 FCC Rcd 11814, 11815 (MB 2009) (procedurally defective petitions to deny treated as informal objections).

<sup>9</sup> 47 U.S.C. §309(k)(1) (emphasis supplied).

<sup>10</sup> 47 U.S.C. §§ 309(k)(2), 309(k)(3).

<sup>11</sup> See FCC Form 303-S, Section II, Item 4 and concomitant instructions.

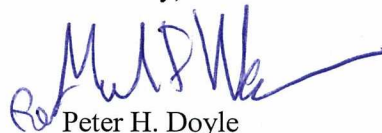
<sup>12</sup> See 47 U.S.C. § 309(k)(1); see also *Clear Channel Broadcasting Licenses*, Letter, 23 FCC Rcd 5105, 5107 (MB 2008), citing *Letter to Rick Morrison*, 21 FCC Rcd 2193 (MB 2006).

Additionally, we have evaluated the Townsquare Renewal Applications and find that there have been no “serious violations” and no evidence of violations that, when considered together, evidence a pattern of abuse warranting designation for evidentiary hearing. Further, we find that the Townsquare Stations served the public interest, convenience, and necessity during the subject license term. We therefore grant the Townsquare Renewal Applications.

Accordingly, IT IS ORDERED, that March 16, 2012, Petition to Deny Renewal of All Licenses For Townsquare Media Stations in Arkansas and Louisiana filed by Robert King IS DISMISSED to the extent indicated above and IS DENIED in all other respects.

IT IS FURTHER ORDERED that the license renewal applications listed in the Appendix to this letter ARE GRANTED.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Townsquare Media Texarkana License, LLC  
Townsquare Media of Lafayette, LLC  
Townsquare Media Lake Charles License, LLC  
Townsquare Media Shreveport License, LLC

## APPENDIX

### **Townsquare Media Texarkana License, LLC Stations:**

KMJI(FM), Ashdown, AR  
Facility ID No: 7828  
File No: BRH-20120131AFD

KYGL(FM), Texarkana, AR  
Facility ID No: 12312  
File No: BRH-20120131AEZ

KOSY(AM), Texarkana, AR  
Facility ID No: 7072  
File No: BR-20120131AEW

### **Townsquare Media of Lafayette, LLC Stations:**

KMDL(FM), Kaplan, LA  
Facility ID No: 59289  
File No: BRH-20120131ABQ

KTDY(FM), Lafayette, LA  
Facility ID No: 12674  
File No: BRH-20120131ADM

KHXT(FM), Erath, LA  
Facility ID No: 54650  
File No: BRH-20120131ABN

KPEL(AM), Lafayette, LA  
Facility ID No: 12682  
File No: BRH-20120131ABT

KPEL-FM, Breaux Bridge, LA  
Facility ID No. 59288  
File No. BRH-20120131ADN

KROF(AM), Abbeville, LA  
Facility ID No: 275  
File No: BR-20120131ADH

**Townsquare Media Lake Charles License, LLC Stations:**

KNGT(FM), Lake Charles, LA

Facility ID No: 53643

File No: BRH-20120131AGX

KHLA(FM), Jennings, LA

Facility ID No: 8169

File No: BRH-20120131AGG

KJMH(FM), Lake Arthur, LA

Facility ID No: 22062

File No: BRH-20120131AGQ

KTSR(FM), DeQuincy, LA

Facility ID No: 71555

File No: BRH-20120131AHN

KLCL(AM), Lake Charles, LA

Facility ID No: 53646

File No: BR-20120131AGK

KJEF(AM), Jennings, LA

Facility ID No: 8168

File No: 20120131AHG

**Townsquare Media Shreveport License, LLC Stations:**

KXKS-FM, Shreveport, LA

Facility ID No: 46982

File No: 20120201AAV

KVKI-FM, Shreveport, LA

Facility ID No: 19560

File No: 20120201ABF

KRUF(FM), Shreveport, LA

Facility ID No: 60265

File No: 20120201AAZ

KEEL(AM), Shreveport, LA

Facility ID No: 46983

File No: 20120201AAR

KWKH(AM), Shreveport, LA

Facility ID No: 60266

File No: 20120201ABJ