



Federal Communications Commission
Washington, D.C. 20554

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In Reply Refer To:
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In re: Wal-Win, LLC
WJLX(AM), Jasper, Alabama
Facility ID No. 54798
File No. BR-20111130BCM

William Neeck
W268BM, Jasper, Alabama
Facility ID No. 150814
File No. BRFT-20111123OBA

Applications for Renewal

Informal Objections

Dear Mr. Petro and Mr. Kipp:

We have before us the captioned applications for license renewal ("Applications") of Wal-Win LLC, ("Wal-Win"), licensee of WJLX(AM), Jasper, Alabama ("Main Station Application"), and William Neeck, licensee of Translator Station W268BM, Jasper, Alabama ("Translator Application") (collectively, "Stations"). Also before us are two informal objections ("Objections")¹ filed March 2, 2012, by Kipp

¹ The pleadings were styled as petitions to deny. However, they were late-filed and therefore unacceptable as petitions to deny. We will treat them as Informal Objections per Section 73.3587 of the Commission's rules ("Rules"). 47 C.F.R. § 73.3587. Informal Objections do not have the same party in interest, timeliness and

Allred against the Stations' renewal applications ("Main Station Objection" and "Translator Objection"), and a consolidated responsive pleading filed by Wal-Win and Neeck on April 2, 2012 ("Opposition").² For the reasons set forth below, we deny the Objections and grant the Applications.

Background. On November 23, 2011, Neeck filed the Translator Application. Wal-Win filed the Main Station Application on November 30, 2011. Allred filed the Objections on March 2, 2012. In general, he claims that the Stations are not acting in the public interest.³ As an alleged former employee of Wal-Win, he reportedly witnessed first hand "bad operation practices" and "disregard" for "any and all FCC rules and regulations."⁴ The Main Station Objection alleges: (1) WJLX(AM) has no "functional EAS equipment" or Emergency Alert System ("EAS") logs; (2) WJLX(AM) shut down for three months while W268BM remained broadcasting;⁵ (3) the public file is in "decrepit condition;" (4) the transmitter site is so "neglected" that it is a "death trap" and an "attractive nuisance;"⁶ and (5) Wal-Win uses the transmitter links for another station's use, rather than for WJLX(AM).⁷ The Translator Objection alleges that: (1) Neeck has engaged in "jumping" translator sites, a practice that does not explicitly violate Commission Rules ("Rules") but is a punishable offense;⁸ and (2) the translator operates as a "defacto commercial LPFM radio station."⁹

In response, the Opposition claims that Allred's statements are false and unsubstantiated. Specifically, it states that: (1) Allred was never an employee of Wal-Win;¹⁰ (2) WJLX(AM)'s EAS equipment is functioning, and the logs are current and in order;¹¹ (3) the public file is well-maintained;¹² (4) the transmitter site is not neglected, has no holes in the fence and has barbed wire on the fence top to prevent trespassing;¹³ and (5) WJLX(AM) did not cease broadcasting at any point. The Opposition includes copies of electric bills as evidence.¹⁴ As for the charge that Neeck has engaged in "jumping" translator sites, the Objection claims it is unsubstantiated. In any event, it adds, Neeck acquired

verification requirements that would have made the petition to deny defective. Accordingly, the Opposition's procedural allegations are moot.

² We address the Objections jointly because the Opposition was consolidated. Commission records show that Neeck holds an attributable interest in Wal-Win.

³ Objections at 1.

⁴ Main Station Objection at 1.

⁵ The Main Station Objection alleges that a video clip corroborates this claim but no such clip was attached.

⁶ Main Station Objection at 1.

⁷ *Id.* at 2.

⁸ Translator Objection at 1, citing *Broadcast Towers, Inc.*, Order, 26 FCC Rcd 7681 (MB 2011).

⁹ Translator Objection at 1-2.

¹⁰ Opposition at 8

¹¹ *Id.* at 8-9, Exhibit Two contains the relevant portion of the asset purchase agreement, pictures of the equipment, and pictures of the logs.

¹² *Id.* at 9. The file contains commendations from members of the listening public testifying to its commitment to the community. The Opposition included pictures of the file and letters of commendation as evidence. *See* Exhibit Three.

¹³ *Id.* at 10 and Exhibit Four.

¹⁴ *Id.* at 10-11 and Exhibit Five.

W268BM only fourteen months ago, prior to any of the minor changes that allegedly constituted an abuse of process.

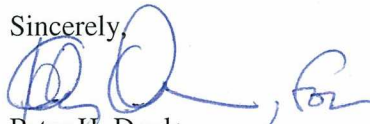
Discussion. Pursuant to Section 309 (e) of the Communications Act of 1934, as amended (“Act”), informal objectors must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with Section 309(k) of the Act,¹⁵ which governs our evaluation of an application for license renewal.

Here, we find that Allred has failed to properly support his allegations. He has not sworn to any of the allegations, nor has he provided pictures or other documentation. On the other hand, the Objection submits evidence that rebuts the claims regarding EAS equipment and logs, the public file, and the transmitter site.¹⁶ As for the allegation of “jumping” translator sites, we find this activity pre-dated Neeck’s 14-month tenure as licensee and thus has no bearing on the Translator Application.¹⁷ Similarly, the claims regarding re-appropriation of the transmitter links and operation of the translator as a *de facto* LPFM station are wholly unsupported.

Conclusion. We have evaluated the Applications pursuant to Section 309(k) of the Act,¹⁸ and we find that the Stations have served the public interest, convenience, and necessity during the subject license term; there have been no serious violations of the Act or the Rules; and there have been no other violations which, taken together, constitute a pattern of abuse.

In light of the above discussion, and pursuant to Section 309(k) of the Act, and Sections 0.61 and 0.283 of the Rules,¹⁹ the Informal Objections filed on March 2, 2012, by Kipp Allred, ARE DENIED, and the license renewal applications (File No. BR-20111130BCM) of Wal-Win, LLC, for WJLX(AM), Jasper, Alabama, and William Neeck for W268BM (File No. BRFT-20111123OBA), Jasper, Alabama, ARE GRANTED.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Mr. Brett Elmore

¹⁵ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 note 10 (1990), *aff’d sub nom. Garden State Broadcasting L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested).

¹⁶ Given our findings on other issues in this case, we need not address the factual question of whether Allred was an employee of Wal-Win.

¹⁷ *Citadel Broadcasting Co.*, Forfeiture Order, 25 FCC Rcd 15060, 15062 (MB 2010) (licensee not liable for violations of public file rule that occurred during period prior to transfer of control to the current ownership).

¹⁸ 47 U.S.C. § 309(k).

¹⁹ 47 U.S.C. § 309(k) and 47 C.F.R. §§ 0.61, 0.283.