



Federal Communications Commission
Washington, D.C. 20554

September 25, 2013

Beach TV Properties, Inc.
P.O. Box 9556
Panama City Beach, Florida 32417

Re: KNOV-CD, New Orleans, LA Fac. ID No. 64048
WCAY-CD, Key West, FL Fac. ID No. 4352
WDES-CA, Miramar Beach, FL, Fac. ID No. 4353
WPFN-CA, Panama City, FL, Fac. ID No. 4351
WGSC-CD, Murrells Inlet, SC, Fac. ID No. 4349
WGSI-CD, Murrells Inlet, SC, Fac. ID No. 4350

Dear Licensee:

This is in regard to the pending license renewal applications of the above-captioned stations. Pursuant to Section 1.88 of the Commission's Rules,¹ we write to update you on our pending investigation of the stations and to invite you to submit a statement to the staff setting forth the Licensee's views regarding the investigation.

On March 13, 2012, the Video Division sent a letter of inquiry to the Licensee requesting information about the stations' compliance with the requirements for Class A licensees, including the main studio requirement, the issues/programs list requirement, and the requirement that stations broadcast an average of 18 hours of programming per day and an average of at least three hours per week of locally produced programming.

On May 10, 2012, the Licensee responded to the letter of inquiry and provided the requested information. Based on our investigation, we request further information about following potential violations of Commission rules by the Licensee:

1. Issues-Responsive Programming

Class A broadcast stations are required to provide every three months a "list of programs that have provided the station's most significant treatment of community issues during the preceding three month period."² The issues/programs list must "include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment."³ The narrative description of the programs must include, but not be limited to, "the time, date, duration, and title of each program in which the issue was treated."⁴ The

¹ 47 C.F.R. § 1.88

² 47 C.F.R. § 73.3526(e)(11)(i).

³ *Id.*

⁴ *Id.*

issues/programs list is critical in the renewal process to “give the Commission sufficient assurance that the station has met its issue-responsive programming responsibility during the past license term to grant license renewal on that issue.”⁵

We have concerns as to whether the Licensee’s stations have met their issue-responsive programming responsibility based on the programming information provided in the issues-programs lists. For example, the issues/programs list for the first quarter of 2009 for WCAY-CA lists the following spots (none lasting longer than four minutes and 15 seconds): *Concierge*, which instructs viewers on checking in and out of accommodations in Key West; *Florida Fisherman*, a program (four minutes long) designed to educate the public on the Florida fisherman’s contribution to the Florida economy; *Jim Racchi Art*, which instructs visitors on the local artists of Key West; *Pride Flag*, which informs the public on the pride flag; *Protect Wild Dolphins*, which informs viewers on how to protect dolphins; *Tipping*, which educates the public on the proper amount of tipping; and PSAs regarding breast cancer awareness and the protection of endangered manatees.

As another example, the issues/programs list for the first quarter of 2010 for WDES-CA lists the following spots (none lasting longer than five minutes and 15 seconds): *Concierge*, which provides instructions on tipping; *Check-In*, which provides instructions on checking in and out of accommodations in Destin; *Concierge*, which also provides instructions on checking in and out of accommodations in Destin; *Express*, which provides instruction on express check-in and check-out; and *Safety Deposits*, which instructs viewers about safety deposit boxes in hotel rooms. Other stations—WPFN-CA, WGSC-CD, and WGSJ-CD—offer similar spots.

2. CORE Children’s Programming

Each Class A licensee has an obligation to serve the educational and informational needs of children through its overall programming and programming specifically designed to serve such needs.⁶ “[E]ducational and informational television programming is any programming that furthers the educational and informational needs of children 16 years of age and under in any respect, including the child’s intellectual/cognitive or social/emotional needs.”⁷ “CORE” programming is educational and informational programming specifically designed to serve the educational and informational needs of children and qualifies as such if it meets the following criteria, among others: (1) serving the educational and informational needs of children ages 16 and under is a significant purpose of the program; (2) it is a regularly scheduled weekly program; and (3) it is at least 30 minutes in length.⁸

The Licensee’s stations have listed in their Children’s Television Programming Reports throughout the license period the following programs as examples of CORE programming provided by the stations: *Sharks and Wildlife*, *Wild About Whale Sharks*, *Florida State Parks*, and *Lagoons, Bayous, & Storms*. We question whether the titles listed are in fact programs with multiple episodes or are instead one-time presentations that have been repeated throughout the license period. We further question whether the programming in question has a significant purpose of serving the educational and informational needs of children ages 16 and under.

⁵ *The Revision of Programming and Commercialization Policies*, Report and Order, 98 FCC 2d 1075, 1109 (1984).

⁶ 47 C.F.R. § 73.671(a).

⁷ 47 C.F.R. § 73.671(a).

⁸ *Id.*

Specifically, we question whether the programs are educational in nature or instead serve to advertise local businesses, e.g., the connection between *Sharks and Wildlife* and Ripley's.

In order for the Commission to evaluate further the license renewal applications, we request that Licensee provide the following information:

- 1) A detailed explanation, with cites to Commission rules, guidance, and case precedent, as to how the spots listed in the issues/programs list, or other programming not listed, meets the stations' issues-responsive programming requirement;
- 2) A detailed explanation, with cites to Commission rules, guidance, and case precedent, as to how the programming listed in the Children's Television Programming Reports qualifies as CORE programming;
- 3) A listing of the total number of episodes and the episode titles of the following programs: *Sharks and Wildlife*, *Wild About Whale Sharks*, *Florida State Parks*, and *Lagoons, Bayous, & Storms*; and
- 4) DVD copies of a representative episode of each of the following spots or programs: *Florida Fisherman*, *Jim Racchi Art*, *Pride Flag*, *Protect Wild Dolphins*, *Sharks and Wildlife*, *Wild About Whale Sharks*, *Florida State Parks*, and *Lagoons, Bayous, & Storms*.

Your submission must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Barbara A. Kreisman, Chief, Video Division, Media Bureau, within 30 days of the date of this letter. An electronic copy should also be sent to peter.saharko@fcc.gov. **Failure to provide the requested information or to request a change in status within 30 days from the date of the letter will result in further action, including potential loss of Class A television status.**

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc:
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