



Federal Communications Commission
Washington, D.C. 20554

December 17, 2013

In Reply Refer to:
1800B3-PCC/ATS

Ms. Joyce E. Eckblad
3100 N. Lake Shore Dr. #1203
Chicago, IL 60657-4952

Mr. Jason Roberts, Esq.
WGN Continental Broadcasting Company
435 N. Michigan Ave.
Chicago, IL 60611

In re: **WGN(AM), Chicago, IL**
WGN Continental Broadcasting Company
File No. BR-20120801AJA
Facility ID No. 72114

**License Renewal Application
Informal Objection**

Dear Ms. Eckblad and Mr. Roberts:

The Media Bureau ("Bureau") has before it (1) the application ("Application") of WGN Continental Broadcasting Company ("Licensee") to renew the license of radio station WGN(AM), Chicago, Illinois; and (2) the Informal Objection ("Objection") to that application filed by Joyce E. Eckblad on November 3, 2012. For the reasons set forth below, we deny the Objection and grant the Application.

Background. Licensee timely filed its Application on August 1, 2012. Eckblad subsequently filed her Objection on November 3, 2012. In her Objection, Eckblad argues that the Application should be denied because the Licensee is in violation of federal labor laws by not paying overtime compensation to non-exempt employees who work over 40 hours in a week. Eckblad states that she and her co-workers were required to work overtime and were told that Licensee does not pay overtime compensation.

Discussion. Informal objections to license renewal applications 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 Communications Act of 1934, as amended ("Act").¹ Specifically, Section 309(k) provides that we are to grant the renewal application if, upon consideration of the application and pleadings, we find that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Commission's rules (the "Rules"); and (3) there have been no other violations which, taken together, constitute a pattern of abuse.²

¹ 47 U.S.C. § 309(e). See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n. 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 (1989) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested).

² 47 U.S.C. § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 10 Stat. 56 (1996). See *Implementation of Section 204(a)*

As discussed below, Eckblad's Objection contains unsupported conclusory statements related to unadjudicated, non-FCC misconduct and therefore fails to present specific factual allegations of wrongdoing which, if proved true, would call for further inquiry or otherwise persuade us that granting the Application would contravene the public interest.

The Commission's role in broadcast licensing is generally limited to assessing whether a licensee's broadcast activities would serve the public interest, convenience, and necessity.³ It is the Commission's longstanding policy and practice to decline to interfere in matters of alleged violations of federal law where the authority charged with the responsibility of administering those laws has not been presented with an opportunity to review the allegations.⁴ The Wage and Hour Division of the Department of Labor is charged with enforcing the Fair Labor Standards Act ("FLSA"), including its overtime compensation provisions, through both civil and criminal venues.⁵ In addition to Department of Labor enforcement actions, the FLSA also allows for individual employees to file private suits in federal or state court against an employer to recover unpaid overtime wages.⁶

Eckblad states in her Objection that neither she nor any of her colleagues have pursued any legal action.⁷ In absence of a Department of Labor or court ruling on the merits, the overtime compensation matters relate to unadjudicated, non-FCC misconduct – a matter generally immaterial to license renewal decisions and any character-qualification considerations therein.⁸ Accordingly, Eckblad has not raised a substantial and material question of fact calling for further inquiry, and we will deny the Objection.

Additionally, we have evaluated the Application pursuant to Section 309(k) of the Act and find that the Station has served the public interest, convenience, and necessity during the subject license term. Moreover, we find that there have been no serious violations of the Act or the Rules involving the Station or violations by Licensee of the Act or Rules which, taken together, would constitute a pattern of abuse. As such, we will grant the Application.

and 204(c) of the Telecommunications Act of 1996 (*Broadcast License Renewal Procedures*), Order, 11 FCC Rcd 6363 (1996).

³ 47 U.S.C. § 309(a).

⁴ *Intercontinental Radio, Inc.*, Memorandum Opinion and Order, 88 FCC Rcd 2d 819, 823 (1981) (citing *Bangor Broadcasting Corporation*, Memorandum Opinion and Order, 33 FCC 2d 687 (1972) (stating that the Commission won't add issue regarding possible unadjudicated violation of wage/price freeze due to policy against Commission interference in matters of alleged violations of federal or local laws where such matters have not been presented to or acted upon by the authority charged with the responsibility of interpreting and enforcing those laws)).

⁵ 29 U.S.C. § 204(a).

⁶ 29 U.S.C. § 216(b).

⁷ See Objection.

⁸ See, e.g., *Educational Community Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 5283, 5288 (2013) (stating that alleged violations of federal law prohibiting advertisements of tobacco products on any medium of electronic communication without adjudication by the proper administrative body or a court are immaterial to license renewal decisions); *WV KO*, Letter, 28 FCC Rcd 126, 133-34 (MB 2013) (stating that allegations of racial discrimination and predatory lending do not constitute the basis of a prima facie showing that an applicant lacks the character qualifications to be a Commission licensee); *KCOP*, Memorandum Opinion and Order, 59 FCC 2d 1321 (1976), *recon. denied*, 62 FCC 2d 93 (1977) (whether wrestling matches violate state law is for the State Athletic Commission to decide); *Kenneth Harrison*, Memorandum Opinion and Order, 56 FCC 2d 765 (1975) (alleged violation of state liquor law is a matter for the state court to decide).

Conclusions/Actions. Accordingly, IT IS ORDERED that the Informal Objection filed on November 3, 2012, by Joyce E. Eckblad is DENIED.

IT IS FURTHER ORDERED that pursuant to Section 309(k) of the Communications Act of 1934, as amended, that the license renewal application of WGN Continental Broadcasting Company for WGN(AM), Chicago, IL (File No. BR-20120801AJA) IS 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