



Federal Communications Commission
Washington, D.C. 20554

May 9, 2014

The Rev. J. Gordon Bengtson
7302 Hunterbrook Drive, Suite 100
Mechanicsville, Virginia 23111

WWBT License Subsidiary, LLC
RSA Tower, 20th Floor
201 Monroe Street
Montgomery, Alabama 36104

Re: WWBT, Richmond, Virginia
File No. BRCDT-20120530AIF
Facility ID No. 30833

Dear Petitioner/Licensee:

This is with respect to an Informal Objection filed by the Reverend J. Gordon Bengtson in reference to the above captioned license renewal application. Based on the record before us, we deny the Informal Objection.

In evaluating an application for license renewal, the Commission's decision is governed by Section 309(k) of the Communications Act of 1934 (the "Act").¹ When an informal objection is filed against a license renewal application, the Commission applies a two-step analysis under the public interest standard.² Under the public interest standard, the Commission must first determine whether the petition contains specific allegations of fact sufficient to show that granting the application would be *prima facie* inconsistent with the public interest.³ If a petition meets this first step, the Commission must determine "whether the totality of the evidence raises a substantial and material question of fact justifying further inquiry."⁴ If no such question is raised, the Commission will deny the petition and grant the application if it concludes that such grant otherwise serves the public interest, convenience, and necessity.⁵ Rev. Bengtson contends that advertisements for Pence Automotive broadcast on the station are far too frequent.⁶

Both Section 326 of the Act and the First Amendment to the U.S. Constitution prohibit any Commission action that would improperly interfere with the programming decisions of licensees.⁷

¹ 47 U.S.C. § 309(k).

² 47 U.S.C. §309(d)(1), (2); *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556, 1561 (D.C. Cir. 1988)

³ 47 U.S.C. §§309(d)(1) and 309(k)(1).

⁴ *Citizens for Jazz on WRVR v. FCC*, 775 F.2d 392, 395 (D.C. Cir. 1985); 47 U.S.C. §309(e); 47 U.S.C. §309(k)(2).

⁵ 47 U.S.C. §§ 309(d)(2) and 309(k)(1).

⁶ Rev. J. Gordon Bengtson, Informal Objection (May 21, 2012) at 1.

⁷ 47 U.S.C. § 326; U.S. CONST., amend. I.

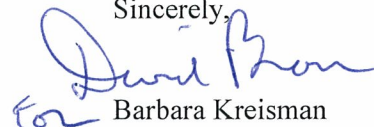
Because of this statutory prohibition, the Commission has very little authority to interfere with a licensee's programming choices.⁸ The Commission will not take adverse action on a license renewal application based upon the subjective determination of a listener or group of listeners as to what constitutes appropriate programming.⁹

We find that Rev. Bengtson fails to make the *prima facie* showing that grant of the license renewal application would be inconsistent with the public interest. Moreover, we have carefully reviewed the renewal application and conclude that grant would serve the public interest, convenience, and necessity.

ACCORDINGLY, IT IS ORDERED, that the Informal Objection filed by the Rev. J. Gordon Bengtson is **DENIED**.

IT IS FURTHER ORDERED, that in accordance with Section 309(k) of the Communications Act of 1934, 47 U.S.C. § 309(k), that the above captioned license renewal application is **GRANTED**.

Sincerely,


for Barbara Kreisman
Chief, Video Division
Media Bureau

cc: Eve Pogoriler
Covington & Burling LLP
1201 Pennsylvania Avenue NW
Washington, D.C. 20004

⁸ See, e.g., *Robert Meshanko*, Letter, 22 FCC Rcd 4809, 4810 (MB 2007); *License Renewal Applications of Certain Commercial Radio Stations Serving Philadelphia, Pennsylvania*, Memorandum Opinion and Order, 8 FCC Rcd 6400, 6401 (MMB 1993).

⁹ See *WGBH Educational Foundation*, Memorandum Opinion and Order, 69 FCC 2d 1250, 1251 (1978).