



Federal Communications Commission
Washington, D.C. 20554

June 25, 2014

Mr. Mark Nelson
1717 40th Street, Apt. 303
Fargo, North Dakota 58103

Gray Television Licensee, LLC
4370 Peachtree Road
Atlanta, GA 30319

Re: KVLV-TV, Fargo, North Dakota
File No. BRCDT-20131202ASC
Facility ID No. 9629

Dear Mr. Nelson:

This is with respect to the letter you submitted on March 10, 2014, opposing the grant of the above captioned broadcast television license renewal application filed by Hoak Media of Dakota License, LLC and now pending before the Commission through the Station's new Licensee, Gray Television Licensee, LLC.¹ In your letter you raised questions about the content of the news coverage on Station KVLV-TV, including the alleged failure to report on local and state political corruption.

Although the Commission does regulate broadcast content where federal statutes direct it to do so,² the Commission does not take adverse action on a license renewal application based upon the "subjective determination of a viewer or group of viewers, as to what is or is not good programming."³ Under the First Amendment of the United States Constitution and Section 326 of the Act,⁴ the Commission is generally prohibited from involving itself in the content of specific programs or otherwise engaging in activities that might be regarded as program censorship. Although individuals may disagree with a broadcaster's choice in programming, broadcasters are afforded a great deal of discretion in the scheduling, selection and presentation of programming.⁵ Accordingly, the Commission will only intervene in programming matters if a licensee is shown to have abused that discretion.⁶ The information contained in your letter does not demonstrate that KVLV-TV has done so here.

¹ File No. BRCDT-20131202ASC. The Station was transferred from Hoak to Gray as part of a transaction recently approved by the Media Bureau. See *Hoak Media, LLC et al.*, Letter Decision, DA 14-452 (Apr. 3, 2014). Therefore, any concerns raised in your letter regarding Hoak's ownership of the Station are moot.

² See 18 U.S.C. § 1464 (prohibiting the broadcast of obscene, indecent and profane material).

³ See *WGBH Educational Foundation*, Memorandum Opinion and Order, 69 FCC 2d 1250, 1251 (1978).

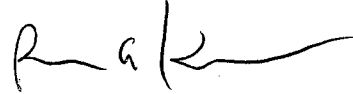
⁴ 47 U.S.C. §326; U.S. CONST., amend. I.

⁵ See, e.g., *National Broadcasting Company v. FCC*, 515 F.2d 1101, 1112-1113, 1119-1120, 1172 (1974), vacated as moot, *id.* at 1180, *cert. denied*, 424 U.S. 910 (1976); *Columbia Broadcasting System, Inc. v. Democratic National Committee*, 412 U.S. 94, 124 (1973); *Hunger in America*, 20 FCC 2d 143, 150-51 (1969).

⁶ See, e.g., *License Renewal Applications of Certain Commercial Radio Stations Serving Philadelphia, Pennsylvania*, Memorandum Opinion and Order, 8 FCC Rcd 6400, 6401 (1993) (citing *Time-Life Broadcast, Inc.*, Memorandum Opinion and Order, 33 FCC 2d 1081, 1082 (1972), and *Office of Communications of United Church of Christ v. FCC*, 707 F.2d 1413 (D.C. Cir. 1983) (subsequent history omitted)).

Thank you for your inquiry regarding this station.

Sincerely,

A handwritten signature in black ink, appearing to read 'B A Kreisman', with a long horizontal flourish extending to the right.

Barbara A. Kreisman
Chief, Video Division

cc:

Robert J. Folliard, III
Cooley LLP
1299 Pennsylvania Avenue
Washington, D.C. 20004