



Federal Communications Commission
Washington, D.C. 20554

July 3, 2014

KHOU-TV, Inc.
c/o Gannett Co., Inc.
7950 Jones Branch Drive
McLean, Virginia 22107

George L. Hall, Houston Chapter Director,
Parents Television Council
15431 Torry Pines Road
Houston, Texas 77062-3417

Myrajane E. Hall
15431 Torry Pines Road
Houston, Texas 77062-3417

Re: KHOU-TV, Houston, Texas
File No. BRCT-20060403BFT
Facility ID No. 34529

Dear Petitioner/Licensee:

George L. Hall and Myrajane E. Hall ("Petitioners") filed substantively identical petitions to deny on May 25 and June 22, 2006 opposing the license renewal of KHOU-TV, licensed to KHOU-TV, Inc. ("Licensee"). For the reasons set forth below, we deny the petition to deny.

Background. Petitioners contend that Station KHOU-TV has violated community standards of decency, citing a March 15, 2006, *Notice of Apparent Liability for Forfeiture* ("NAL") issued against all CBS stations that aired the December 31, 2004, episode of the program "Without a Trace."¹ Petitioners contend that airing this program indicates that the Licensee has not acted in the public interest and lacks the character qualifications to be a Commission licensee. Petitioners further argue that CBS violated the terms of a November 23, 2004 Consent Decree (the "*2004 Consent Decree*") between Viacom, its then parent, and the Commission,² which required it "to immediately suspend all employees materially participating in the decision to air indecent programming, and launch an internal investigation upon the issuance of a Notice of Apparent Liability for violation of indecency law."³

Section 309(k)(1) of the Communications Act of 1934 (the "Act") states that the Commission shall grant a license renewal application if it finds that (a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations of the Communications Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of this Act

¹ *Complaints Against Various Television Licensees Concerning Their December 31, 2004, Broadcast of the Program "Without a Trace,"* Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 2732 (2006).

² *Viacom, Inc. et al*, Order, 19 FCC Rcd 23100 (2004) ("*2004 Consent Decree*"), *pet. for recon. denied*, 12 FCC Rcd 12223 (2006).

³ Petition to Deny at 1 (citing subsection (f) of the *2004 Consent Decree*).

or the rules or regulations of the Commission which, taken together, would constitute a pattern of abuse.⁴ With respect to whether grant will serve the public interest, the Commission will designate a hearing pursuant to Section 309(d)(1) of the Act if (a) the petitioner provides specific allegations of fact sufficient to show that such a grant would be prima facie inconsistent with the public interest;⁵ and (b) the allegations, taken together with any opposing evidence before the Commission, raise a substantial and material question of fact as to whether grant would serve the public interest.⁶

Discussion. The Commission and CBS negotiated a new Consent Decree concerning CBS's compliance with conditions set forth in the *2004 Consent Decree* (the "*2007 Consent Decree*").⁷ As part of the *2007 Consent Decree*, CBS acknowledged that it inadvertently failed to comply with remedial steps specified in Paragraph IV(8)(f) of the *2004 Consent Decree* as contemplated by the FCC following issuance of the March 15, 2006 Notice of Apparent Liability, understood the Consent Decree's terms, and had taken steps to ensure the additional oversights do not occur in the future.⁸ We conclude that the *2007 Consent Decree* contained appropriate terms and conditions addressing the issue raised by Petitioners.

Petitioners' allegation concerning the December 31, 2004, episode of "Without A Trace" was mooted by the *NAL*, in which the Commission found certain CBS affiliated and owned-and-operated stations, including Station KHOU-TV, apparently liable in the amount of \$32,500 per station for violation of the Commission's indecency prohibition.⁹ Although the Commission determined at the time that the airing of the material in question justified imposition of a forfeiture, we cannot find that the apparent violation was "serious" or evidenced a "pattern of abuse" that justifies denial or designation of the license renewal application.¹⁰

We therefore conclude that the petitions do not allege violations that raise substantial and material questions of fact concerning the Licensee's qualifications or would otherwise justify designation of the Station KHOU-TV's license renewal application for hearing pursuant to section 309(k) of the Act.¹¹

⁴ 47 U.S.C. § 309(k)(1).

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

⁶ *Astroline*, 857 F.2d at 1561.

⁷ *CBS Corporation KUTV Holdings, Inc.*, Order, 22 FCC Rcd 20035 (2007) (executing *2007 Consent Decree* dismissing any objections related to compliance with paragraph 8, subsection (f) of the *2004 Consent Decree*).

⁸ *2007 Consent Decree*.

⁹ David P. Fleming, Esq., Letter Decision, 23 FCC Rcd 9957, 9959 (Vid. Div. 2008).

¹⁰ *Id.*

¹¹ *Id.*

Accordingly, it is ordered that the petitions to deny filed by George L. Hall and Myrajane E. Hall **ARE DENIED.**

Sincerely,

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

Barbara Kreisman
Chief, Video Division
Media Bureau

cc:
Linda Carducci
Gannett Co., Inc.
7950 Jones Branch Drive
McLean, Virginia 22107