



Federal Communications Commission
Washington, D.C. 20554

July 9, 2014

1800B3-JPC

Mr. Howell Hurst
P.O. Box 330009
San Francisco, CA 94133

Ms. Abby Staebler
KQED, Inc.
2601 Mariposa Street
San Francisco, CA 94110

In re: KQED-FM, San Francisco, CA
Facility ID No. 35501
KQED, Inc.
File No. BRED-20130731ANR

Application for Renewal of License

Informal Objection

Dear Mr. Hurst and Ms. Staebler:

This letter refers to: (1) the referenced application ("Application") of KQED, Inc. ("Licensee") to renew its license for noncommercial education FM Station KQED-FM, San Francisco, California ("Station"); and (2) the October 17, 2013, Informal Objection ("Objection") to the Application filed by Howell Hurst ("Hurst").

Background. In his Objection, Hurst alleges that he has attempted to get the Station to "consider serious comments and suggestions about relevant current affairs and [the Station's] conduct."¹ However, Hurst argues that the Station has not considered his concerns, making brief public relations contact followed by silence.² Hurst thus alleges that the Station's "consideration of public commentary on important matters is . . . substantially questionable."³ Hurst provides records of an email conversation between himself and Jo Anne Wallace ("Wallace"), the Vice President and General Manager of KQED, Inc. These emails reference a phone conversation between Wallace and Hurst and a willingness by Wallace to listen to Hurst's concerns over mail or email, but an unwillingness to meet with him in person.⁴

Discussion. Informal objections must, pursuant to Section 309(e) of the Act⁵ provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that

¹ Hurst Objection.

² *Id.*

³ *Id.*

⁴ Hurst Objection Exhibit.

⁵ 47 U.S.C. § 309(e).

grant of the application would be *prima facie* inconsistent with Section 309(k) of the Act,⁶ which governs our evaluation of an application for license renewal. Under Section 309(k)(1) when a Licensee applies for renewal, the Commission grants the application if three criteria are met: (1) “the station . . . served the public interest, convenience, and necessity”; (2) the licensee committed “no serious violations . . . of this chapter or the rules and regulations of the Commission”; and (3) the licensee committed “no other violations . . . of this chapter or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse.”⁷ If the application fails to meet the standards mentioned above, the Commission, after giving the requisite “notice and opportunity for a hearing” under Section 309(e),⁸ is empowered to either deny the application or grant an approval limited by “terms and conditions.”⁹

In alleging that Station fails to respond to his concerns about the Station’s operation, Hurst has failed to implicate any provisions of the Act or the Rules.¹⁰ Therefore, Hurst has not raised substantial and material questions of fact calling for further inquiry into whether granting the Application would be *prima facie* inconsistent with Section 309(k) of the Act.¹¹ Additionally, we have evaluated the Application pursuant to Section 309(k) of the Act, and we find that the Station has served the public interest, convenience, and necessity during the subject license term; there have been no serious violations of the Act or the Rules; and there have been no other violations which, taken together, constitute a pattern of abuse.¹²

Conclusion/Actions. In light of the above discussion, and pursuant to Section 309(k) of the Act, and Sections 0.61 and 0.283 of the Rules,¹³ the October 17, 2013, Informal Objection filed by Howell Hurst IS DENIED, and the application (File No. BRED-20130731ANR) filed by KQED, Inc. for renewal of license for noncommercial educational FM Station KQED-FM, San Francisco, California, IS GRANTED.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

⁶ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *affirmed 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 (1986) (“informal objections . . . must . . . contain adequate and specific factual allegations sufficient to warrant the relief requested”).

⁷ 47 U.S.C. § 309(k)(1).

⁸ 47 U.S.C. §309(k)(3).

⁹ 47 U.S.C. §309(k)(2).

¹⁰ See, e.g., *Citicasters and AMFM Broadcasters*, Memorandum Opinion and Order and Notice of Apparent Liability, 22 FCC Rcd 19324, 19330 n.35 (MB 2007) (Bureau did not consider the argument that station failed to meet with community leaders regarding their concerns because the argument did not implicate any provisions of the Rules or Act).

¹¹ 47 U.S.C § 309(k).

¹² *Id.*

¹³ 47 U.S.C. § 309(k); 47 C.F.R. §§ 0.61, 0.283.