



Federal Communications Commission
Washington, D.C. 20554

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In Reply Refer to:
1800B3-ATS

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In re: Epic Light Network, Inc.
Station WYQQ(FM), Charlton, MA
Facility ID No. 4102
File No. BRED-20131121AIL

Lighthouse Christian Center
Station WLCQ-LP, Feeding Hills, MA
Facility ID No. 133854
File No. BRL-20131204AIA

Petition to Deny

Dear Counsel:

This letter refers to: 1) the referenced application of Epic Light Network, Inc. ("Epic"), for renewal of its license for Station WYQQ(FM), Charlton, Massachusetts ("Epic Application"); 2) the referenced application of Lighthouse Christian Center for renewal of its license for Station WLCQ-LP, Feeding Hills, Massachusetts ("Lighthouse Application"); and 3) the January 16, 2014, Petition to Deny ("Petition") filed by Jayson Fredette ("Fredette") against both the Epic Application and the Lighthouse Application.¹ For the reasons set forth below, we deny the Petition and grant the Epic Application and the Lighthouse Application.

Background. In the Petition, Fredette suggests that the principals of Epic and Lighthouse are in violation of the Commission's Rules ("Rules") regarding cross-ownership of full-service stations and low power FM ("LPFM") stations.² Fredette states that "Richard E Dunn" is the pastor of Lighthouse and was a party to the Lighthouse's original construction permit application.³ Fredette further states that "Richard E Dunn" is married to Annette Dunn, who is also an officer and director of Lighthouse. Fredette also

¹ Epic and Lighthouse both filed oppositions on February 18, 2013 ("Epic Opposition" and "Lighthouse Opposition" respectively). On March 6, 2014, Epic filed an Addendum to Opposition to Petition to Deny ("Addendum"). In the Addendum, Epic states that it served Fredette with a copy of its opposition at the address provided in the Petition, but the mailing was returned with an explanation that the address is the office of an accounting firm, Morin & O'Shea, P.C. Addendum at 1-2 and Exhibit A. The staff has confirmed that this address is not valid for Jayson Fredette, and will not attempt to serve him a copy of this letter.

² Petition at 1 ("[the Commission] has stated that owners of [LPFM] Stations such as WLCP [sic] cannot have person and persons of the same family co owning [sic] or serving on boards of both [LPFM] and high power FM stations.").

³ *Id.* See also File No. BNPL-20010631AGT.

states that “James R Dunn” is the president of Epic and that, “in taking with people who attend [Lighthouse], James is the son of Richard and Annette Dunn.”⁴ Fredette argues that this results in prohibited cross-ownership of Epic and Lighthouse by “Richard E Dunn.” Fredette also believes that “Richard E Dunn” and “James Rd Dunn” have an attributable interest in Lighthouse by virtue of their relationship to Annette Dunn. Moreover, because these relationships were not disclosed to the Commission, Fredette argues that “an issue of Lack of Candor and Fraud should be issued against the board of directors of both companies.”⁵

In their respective petitions, Epic and Lighthouse both argue that the Petition is procedurally defective because it is not accompanied by a sworn declaration.⁶ Epic avers that Fredette lacks standing to oppose the applications because Fredette’s stated residence in Westfield, Massachusetts, is well outside Station WYQQ’s 60 dBu contour, and furthermore Fredette apparently only listens to Station WYCC when he travels.⁷ Lighthouse also argues that the Petition is defective because it was not served with a copy of it by Fredette.⁸

Epic and Lighthouse also both state that Fredette is incorrect in his factual allegations. They explain that James Richard Dunn is in fact the same person as Richard Dunn; that Annette and James Richard Dunn are in fact married, but do not have any children named “James Dunn”; and that that James Richard Dunn resigned his position as an officer and director of Lighthouse on July 3, 2012, well before Epic acquired the license for Station WYQQ on December 10, 2012. Thus, Epic and Lighthouse argue that there was no cross-ownership violation.⁹ Lighthouse further argues that James Richard Dunn’s interests in Epic are not attributable to Annette Dun or to Lighthouse, noting that the Commission eliminated the presumption of common control of spousal interest in broadcast stations.¹⁰ Moreover, Lighthouse argues that both Station WYQQ and Station WYCC-LP are entirely separately operated and that James Richard Dunn has no role in the operation of Station WYCC-LP.¹¹

Discussion. We initially find that the Petition does not meet the requirements for a petition to deny set forth in Section 309(d) of the Communications Act of 1934, as amended, because: 1) Fredette did not serve a copy of the Petition on either Epic or Lighthouse;¹² 2) the Petition is not accompanied by an affidavit supporting its factual allegations;¹³ and 3) Fredette lacks standing to file a petition to deny

⁴ Petition at 1.

⁵ *Id.* at 1-2.

⁶ Epic Opposition at 2; Lighthouse Opposition at 2.

⁷ Epic Opposition at 2.

⁸ Lighthouse Opposition at 2.

⁹ Epic Opposition at 4; Lighthouse Opposition at 2. In support of these assertions, Epic and Lighthouse, respectively, provided declarations signed under penalty of perjury from James Richard Dunn and Annette Dunn. See Epic Opposition at Exhibit B, Declaration of James Richard Dunn; Lighthouse Opposition at Declaration of Annette Dunn

¹⁰ Lighthouse Opposition at 3, citing *Clarification of Commission’s Policies Regarding Spousal Attribution*, Policy Statement, 7 FCC Rcd 1920 (1992).

¹¹ Lighthouse Opposition at 4.

¹² 47 U.S.C. § 309(d)(1) (“The petitioner shall serve a copy of such petition on the applicant.”)

¹³ *Id.* (“The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with subsection (a) of this section (or subsection (k) of this section in the case of renewal of any broadcast station license). Such allegations of fact shall,

because he apparently does not reside within the service area of either Station WYQQ or Station WLCQ-LP.¹⁴ We will therefore consider the Petition as an informal objection under Section 73.3587 of the Rules.¹⁵ Informal objections must, pursuant to Section 309(e) of the Act¹⁶ 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 Act,¹⁷ which governs our evaluation of an application for license renewal.¹⁸ We find that Fredette has failed to meet this burden

Section 73.860(a) of the Rules prohibits parties holding an attributable interest in a non-LPFM broadcasting station from holding an attributable interest in the licensee of an LPFM station.¹⁹ We find that no such violation occurred here. As the Declarations of James Richard Dunn and Annette Dunn attest, James Richard Dunn was not an officer or director of Lighthouse at the time Epic acquired the license of Station WYQQ.²⁰ We therefore find Fredette's allegation of prohibited cross-ownership to be baseless.

We also reject Fredette's suggestions that the Commission prohibits "persons of the same family co owning or serving on boards of both [LPFM] and high power FM stations."²¹ The Commission eliminated the presumption of common control of spousal interests in broadcast stations in 1992.²² Moreover, there is no requirement that parties to an application identify every family member with an interest in another broadcast entity.²³ Because neither Epic nor Lighthouse has violated any Rules or failed to provide any required information, we find Fredette's suggestion that there has been a lack of candor concerning an alleged violation to be baseless.

except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.").

¹⁴ Fredette states that he lives in the listening area of Station WLCQ-LP. However, we give this statement no weight because the address he provided is not his residence, and the business located at that address denies any relationship with him. Fredette also states that he listens to Station WYQQ when he travels. Although the Commission affords standing to residents of a station's service area, it has held that travelers do not have such standing. *See, e.g., Petition for Rulemaking to Establish Standards for Determining the Standing of a Party to Petition to Deny a Broadcast Application*, Memorandum Opinion and Order, 82 FCC2d 89, 98-99 (1980) (an individual may qualify as a party in interest if he alleges he is a listener or viewer of the station in question or resides within the station's service area). *See also National Broadcasting Co., Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 10779, 10780 (1996) (denying standing to individual who viewed WNBC-TV on frequent travels to New York City; the Commission accords standing to those who reside in the service area, not to transients).

¹⁵ 47 C.F.R. § 73.3587.

¹⁶ 47 U.S.C. § 309(e).

¹⁷ 47 U.S.C. § 309(k).

¹⁸ *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").

¹⁹ *See* 47 C.F.R. § 73.860(a).

²⁰ Epic Opposition at Declaration of Annette Dunn; Lighthouse Opposition at Declaration of James Richard Dunn.

²¹ Petition at 1.

²² *See Clarification of Commission's Policies Regarding Spousal Attributions*, Policy Statement, 7 FCC Rcd 1920 (1992).

²³ Applicants for new LPFM stations are only required to identify family members with interest in other media if that family member would have a significant role in the operation of the proposed LPFM station. *See* Worksheet for FCC Form 318, Worksheet #1a – Family Relationships.

Additionally, we have evaluated the Epic Application and the Lighthouse Application pursuant to Section 309(k) of the Act, and we find that the both Station WYQQ and Station WLCQ-LP have 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.²⁴

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,²⁵ IT IS ORDERED that the January 16, 2014, Petition to Deny filed by Jayson Fredette, treated as an Informal Objection, IS DENIED.

IT IS FURTHER ORDERED that the application (File No. BRED-20131121AIL) filed by Epic Light Network, Inc., for renewal of its license for Station WYQQ(FM), Charlton, Massachusetts, IS GRANTED.

IT IS FURTHER ORDERED that the application (File No. BRL-20131204AIA) filed by Lighthouse Christian Center for renewal of its license for Station WLCQ-LP, Feeding Hills, Massachusetts, IS GRANTED.

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" with a stylized flourish at the end.

Peter H. Doyle
Chief, Audio Division
Media Bureau

²⁴ 47 U.S.C. § 309(k).

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