



Federal Communications Commission  
Washington, D.C. 20554

August 21, 2014

The Tri-State "Like It Is" Support Coalition  
Lisa V. Davis, Chair  
c/o Weequahic Park Association  
P.O. Box 2248  
Newark, New Jersey 07114

CBS Broadcasting, Inc.  
2175 K Street N.W., Suite 350  
Washington, D.C. 20037

Re: Application for Renewal of License of:  
WCBS-TV, Fac. Id. No. 9610, File No.  
BRCT-20070210BQP

Dear Parties:

This is in regards to the above-captioned application for renewal of license for television station WCBS-TV, licensed to CBS Broadcasting, Inc. ("WCBS" or the "Station").<sup>1</sup> The Tri-State "Like It Is" Support Coalition ("Like It Is")<sup>2</sup> filed a petition to deny the renewal application.

Like It Is asserts generally that local news coverage and public affairs programming on the Station have failed to meet the needs and interests of the community.<sup>3</sup> Specifically, Like It Is argues that WCBS does not air sufficient public affairs programming to serve the interests and concerns of the tri-state area African-American community.<sup>4</sup> Like It Is also asserts that the Station's local news focuses on crime in the African-American community, to the exclusion of the positive contributions of the African-American community.<sup>5</sup> Finally, Like It Is states that the Station's local news coverage serves to increase racial bias and is a detriment to the African-American community.<sup>6</sup>

Section 309(k)(1) of the Communications Act of 1934, as amended (the "Act"), states that the Commission shall grant a license renewal application if it finds, with respect to that station, that (a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Communications Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of the Act or Commission rules or regulations which, taken together, would constitute a pattern of abuse.<sup>7</sup> The Commission analyzes any public interest allegation

<sup>1</sup> WCBS and WABC will be referred to collectively as "The Stations."

<sup>2</sup> Like It Is describes itself as "a broad based coalition of grass roots community organization and individuals organized throughout the African -- American community in the tri-state area to protect the media interest" of the African-American community. Petition at 1.

<sup>3</sup> Petition at 2.

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.* at 5-10.

<sup>6</sup> *Id.* at 8-10.

<sup>7</sup> 47 U.S.C. §309(k)(1).

according to a two-step process. The petition must first contain specific allegations of fact sufficient to show that such a grant would be *prima facie* inconsistent with the public interest.<sup>8</sup> If so, the Commission will designate the application for hearing when the allegations, 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, or if the Commission is otherwise unable to conclude that granting the application would serve the public interest.<sup>9</sup> We find that the petition has failed to establish a *prima facie* case that grant of the renewal applications would disserve the public interest.<sup>10</sup>

With respect to the allegations that the Station's local news coverage has failed to meet the needs and interests of the tri-state area African-American community, Section 326 of the Act and the First Amendment to the Constitution prohibit any Commission actions that would improperly interfere with the programming decisions of licensees.<sup>11</sup> Because journalistic discretion in the presentation of news and public information is the core concept of the First Amendment's Free Press guarantee, licensees are entitled to the broadest discretion in the scheduling, selection, and presentation of news programming.<sup>12</sup> Thus, the Commission has repeatedly held that "[t]he choice of what is or is not to be covered in the presentation of broadcast news is a matter to the licensee's good faith discretion," and that "the Commission will not review the licensee's news judgments."<sup>13</sup>

Further, the allegation regarding WCBS' airing of adequate public affairs programming for the African-American community does not raise an issue with respect to the licensee's compliance with the Commission's rules and regulations.<sup>14</sup> In this regard, stations are not required to present specific public affairs programming in order to meet community needs.<sup>15</sup> In its *Localism Notice of Inquiry*, the Commission specifically noted that programming not specifically produced in or targeted at a local community may nonetheless serve the needs and interests of the community.<sup>16</sup> Thus, although Like It Is' concerns may be legitimate matters for discussion within the tri-state area African-American community, we do not find that the matters raised justify intervention by the Commission in the pending renewal application, nor do we find that Like It Is has established a *prima facie* case that grant of the renewal application would disserve the public interest.<sup>17</sup>

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<sup>8</sup> 47 U.S.C. §309(d)(1); *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988) ("Astroline").

<sup>9</sup> *Astroline*, 857 F.2d at 1561; 47 U.S.C. §309(e).

<sup>10</sup> *Tri-State Like It Is Coalition*, Letter Decision, 26 FCC Rcd 362, 364 (Vid. Div. 2011).

<sup>11</sup> 47 U.S.C. §326; U.S. CONST., amend. I.

<sup>12</sup> *Tri-State Like It Is Coalition*, 26 FCC Rcd at 364 (citing *National Broadcasting Company v. FCC*, 515 F.2d 1101, 1112-1113, 1119-1120, 1172 (1974) (subsequent history omitted) et al).

<sup>13</sup> *Tri-State Like It Is Coalition*, 26 FCC Rcd at 364 (quoting *American Broadcasting Companies, Inc.*, Memorandum Opinion and Order, 83 F.C.C.2d 302, 305 (1980)).

<sup>14</sup> *Tri-State Like It Is Coalition*, 26 FCC Rcd at 364

<sup>15</sup> *Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations*, Memorandum Opinion and Order, 104 FCC 2d 358 (10986).

<sup>16</sup> *In the Matter of Broadcast Localism*, Notice of Inquiry, 19 FCC Rcd 12425, 12431 (2004) (subsequent history omitted) ("*Localism Notice of Inquiry*").

<sup>17</sup> *Tri-State Like It Is Coalition*, 26 FCC Rcd at 365.

Accordingly, the petition to deny filed by The Tri-State Support Coalition **IS DENIED**.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Kreisman', written in a cursive style.

Barbara Kreisman  
Chief, Video Division  
Media Bureau