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FCC Mail Room

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re renewal of broadcast license
application

CLEAR CHANNEL COMMUNICATIONS

License of WJNO-AM
Facility 1917

West Palm Beach, FL

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PETITION TO DENY

Milo Vannucci
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West Palm Beach, Florida 33407
Telephone: 561-315-2557

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I. JURISDICTION

The Commission has personal jurisdiction over the applicants, and it has subject matter jurisdiction over the allegations in this Petition.

This Petition contains “specific allegations of fact sufficient to show...that a grant of the application would be prima facie inconsistent with [the public interest, convenience and necessity].” The allegations herein, except those of which official notice may be taken, are supported by the declarations under penalty of perjury of persons with knowledge of the facts alleged.

Appended hereto is the declarations under penalty of perjury from Milo Vannucci, a member of the community of West Palm Beach, Florida, identifying how he would be harmed by a grant of the Application. The undersigned has standing, see declaration of Milo Vannucci, attached hereto.

This petition is timely and ripe for review, and it complies fully with the Commission's rules governing pleadings, petitions to deny, and service of process.

II. SUMMARY

Member of the community of West Palm Beach, Florida, Milo Vannucci (declaration attached), opposes the renewal of the broadcast license of station WJNO-AM ("Station") in West Palm Beach, Florida, because existing management is failing to serve the public interest in the community and renewal of said license would detrimentally and irreparably harm the public.

Clear Channel Communications' ("CCC's") WJNO-AM, the flagship station in West Palm Beach, Florida predominately airs "conservative" talk radio in this radio market, which has historically decided Presidential elections. This imbalance is giving area Republicans the equivalent of free airtime to promote their agendas and candidacies, while providing far less – or no – free airtime and access to Democratic or other political candidates and agendas. CCC is thus denying the majority of the community its First Amendment rights to exercise free speech over the publicly owned airwaves.

In addition, WJNO does not clearly delineate between news and talk on its station, thereby confusing the public as to what constitutes fact verses opinion.

II. PETITION TO DENY

Any traditional examination of broadcast regulation begins with the concept that the public “owns” the airwaves. Since the public “owns” the airwaves, the public should have the right to say how this valuable resource will be used. The Communications Act of 1934, as amended, 47 U.S.C §309(k), stipulates that a licensee (or prospective licensee) must operate in the public convenience, interest, or necessity.

Nowhere is the public interest more important than in the presentation of political viewpoints. The public needs to have facts and diverse opinions to make informed decisions in the ballot box.

WJNO fails to serve the public interest in two ways.

First, WJNO offers 91 hours "conservative" talk radio vs 15 hours progressive in an area dominated by 44.9 percent Democrats to 28.8 percent Republicans. Of the 15 hours per week of progressive programming which CCC's WJNO does air, (The Randi Rhodes show,) it does not air it live, which prohibits local people from calling in and engaging the host. (The Monday through Friday "conservative" shows do allow live call-in for local engagement.)

This harms the local community by denying the rights of alternative political voices their First Amendment rights to free speech by denying them access to the microphones on the publicly owned airwaves of West Palm Beach.

Corporations argue that they have a First Amendment right to say whatever they wish over our public airwaves. This may be true, but as the Supreme Court ruled in *Red Lion Broadcasting v FCC*,

"The First Amendment is relevant to broadcasting; however, it is the right of the viewers and listeners, not the broadcaster, which is paramount." In addition, the Supreme Court concluded, "The First Amendment does not protect private censorship by broadcasters who are licensed by the Government to use a scarce resource which is denied to others."

On July 8, 2011, the Third Circuit Court of Appeals reaffirmed the notion of scarcity on the peoples' airwaves:

"The abundance of non-broadcast media does not render the broadcast spectrum any less scarce. The Supreme Court's justification for the scarcity doctrine remains as true today as it was in 2004 --- indeed, in 1975 --- many more people would like to access the [broadcast spectrum] than can be accommodated.

"We agree with the FCC that the rules do not violate the First Amendment because they are rationally related to substantial government interests in promoting competition and protecting viewpoint diversity."

The role of government in broadcasting is unique in that government must regulate the gatekeepers (license holders) to ensure that the First Amendment rights of the public are intact. In radio, this may only be construed as ensuring members of the local community of service have regular access to the microphones which broadcast into their own communities. CCC's WJNO fails that test.

The gross imbalance of 91 hours of one political point of view verses 15 hours of another does not reflect the interest of the public which needs to hear varied voices in the public square of radio.

In effect, because an entire broad spectrum of political thought is not allowed access to the radio microphones in the community, the First Amendment rights of the majority of the community are

being violated.

Second, CCC's WJNO promotes a News/Talk format, and calls itself "Newsradio 1290." However, the station fails to identify which of its programs are indeed news (fact-based) and which are opinion, and may be fact free. As such, listeners are confused as to whether what they hear on WJNO constitutes facts or fictions. A recent Pew Study shows 22% of Americans believe talk radio is "news." WJNO promotes such confusion by not providing labeling as to the content of their programming, and by not providing fact checking so listeners can understand the actual facts in what are important debates of political and community consequence. Such specific labeling is routine in newspapers, and should be required of broadcasters who choose to call themselves "News" stations, as the bulk of the programming on such stations, including CCC's WJNO, is opinion, not fact based hard news, and the public needs to clearly understand the difference.

For all of these reasons, the petition to renew the license of WJNO AM by Clear Channel Communications should be denied.

CONCLUSION AND REQUEST TO DENY

The renewal of this license would result in the continued domination of one political voice in the public square of radio. The only appropriate course of action would be to deny the renewal of license WJNO-AM.

Respectfully submitted,

By Milo Vannucci

Milo Vannucci

12-30-11

2101 Ponce de Leon Avenue

West Palm Beach, Florida 33407

Phone: 561-315-2557

CERTIFICATE OF SERVICE

I, Milo Vannucci, hereby certify that I have this 30th day of December, 2011 caused a copy of the foregoing "Petition to Deny" to be delivered by Federal Express to the following:

Marlene H. Dortch
FCC Commission Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

I further certify that this petition has been delivered by hand to the following:


General Manager
Newsradio 1290 WJNO
3071 Continental Drive
West Palm Beach, FL 33407

I further certify that this petition has been mailed via US First Class mail pre-paid to the following:

Hon. Julius Genachowski
Chairman
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

CLEAR CHANNEL BROADCASTING LICENSES, INC.
2625 S. Memorial Drive
Suite A
Tulsa, OK 74129 – 2623

Sue Wilson
Media Action Center
4354 Town Center Blvd. Ste 114-110
El Dorado Hills, CA 95762


Milo Vannucci 12-30-11

DECLARATION

RE: WJNO-AM, West Palm Beach, Florida

My name is Milo Vannucci. I am a resident of West Palm Beach and I am also a regular listener of WJNO-AM, which is owned by Clear Channel Communications ("CCC").

I am submitting a "Petition to Deny" directed at CCC's pending application to renew WJNO-AM's broadcast license. The facts stated in these documents are true to my personal knowledge.

I would be seriously aggrieved if the Petition to Deny is not granted, since as a consequence of its denial, West Palm Beach listeners generally, including myself, would be deprived of program service in the public interest.

Imbalance of Political Discourse

At present, CCC broadcasts the following line up on WJNO-AM: The Morning Rush with Jim Edwards and Brian Mudd, Glenn Beck, Rush Limbaugh, Sean Hannity, Mark Levin, Randi Rhodes, and Coast to Coast. In the coveted Monday through Friday timeslots, these represent 16 hours of "Conservative" viewpoints airing every day, with only 3 hours (the Randi Rhodes show) devoted to a progressive point of view. That show, however, is not aired live so local people can call in and engage, but rather is rerun in the 9PM to midnight time slot, one of the least listened to time slots in radio. (Note: the midnight to 5AM Coast to Coast show is non political in nature.)

An additional 11 hours of "conservative" talk radio airs on WJNO's weekend lineup, with zero hours of progressive talk.

This community, according to the Palm Beach Post, has voter registration of 44.9 percent Democrats to 28.8 percent Republicans. Yet the more progressive point of view is almost completely denied to our community. Therefore the public interest of West Palm Beach is clearly not being served by CCC at WJNO-AM. I believe my First Amendment rights, and those of the community of West Palm Beach, are being violated by CCC's corporate decision to restrict access to the microphones, allowing only pro-corporate, pro-Republican voices to the exclusion of all others.

The News/Talk Confusion

WJNO bills itself as a News/Talk station. However, it fails to identify which of its programs are truly "news," and which are only opinion. Newspapers are very clear in this respect. They clearly identify their Editorial Page from other parts of the paper so that the readers have no doubt as to what is news and what is opinion. Radio, and in this particular case, WJNO radio, does not make it clear as to what is news or fact and what is opinion.

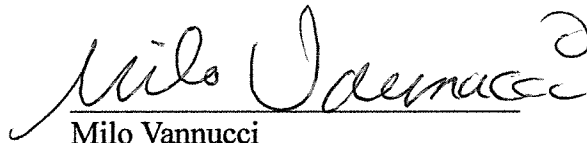
This dynamic is confusing the public, which relies on this station for information, but cannot well differentiate between facts and fiction.

Because CCC's WJNO-AM neither labels its programs nor fact checks opinion shows, it is effectively misinforming the community, which is clearly not in the public interest.

It is vital that the largest radio owner/operator in the US, CCC, serves the entire public interest in our community. CCC is dis-serving the public interest in West Palm Beach and should no longer hold this license.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Executed 12-30-11.

A handwritten signature in cursive script, reading "Milo Vannucci", written over a horizontal line.

Milo Vannucci
2101 Ponce de Leon Avenue
West Palm Beach, Florida 33407

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