



**Federal Communications Commission  
Washington, D.C. 20554**

**March 12, 2007**

**DA 07-1202**

In Reply Refer to:

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In re: KFBK(AM), Sacramento, CA  
AMFM Broadcasting Licenses, LLC  
Facility ID No. 10145  
File No. BR-20050727AGH

KSTE(AM), Rancho Cordova, CA  
AMFM Broadcasting Licenses, LLC  
Facility ID No. 22883  
File No. BR-20050727AGR

Applications for Renewal of Licenses

**Informal Objections**

Dear Objectors and Counsel:

This letter refers to the above-noted applications filed on July 27, 2005, by AMFM Broadcasting Licenses, LLC, a wholly-owned subsidiary of Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), for renewal of the licenses for Stations KFBK(AM), Sacramento and KSTE(AM), Rancho Cordova, California. In 2005, Mr. Hassett, Mr. and Ms. Smith, Ms. Livingston, Ms. Jasper and Mr. O'Hara (collectively, "the Objectors") filed Informal Objections to these applications. For the reasons set forth below, we deny the Informal Objections and grant the KFBK(AM) and KSTE(AM) license renewal applications.

**Discussion.** In evaluating an application for license renewal, the Commission's decision is governed by Section 309(k)(1) of the Communications Act of 1934, as amended (the "Act"). That section provides that if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Commission's Rules (the "Rules"); and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.<sup>1</sup> If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application "on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted."<sup>2</sup>

The Objectors allege that Clear Channel airs, on a daily basis, prejudicial, biased programming. For example, three of the Objectors state: "While [Clear Channel] do[es] provide some local and state news coverage, their heavily-biased prime-time talk show programming amounts to the use of the airwaves as a relentless political pulpit, presenting only one-sided, predictable opinion on most issues, and even blatantly endorsing one political party."<sup>3</sup> Two others also object to Clear Channel's "biased" talk shows.<sup>4</sup> Finally, one Objector alleges that a Clear Channel talk-show host routinely makes "thinly-veiled appeals to racism."<sup>5</sup>

The role of the Commission in overseeing program content is limited. The First Amendment to the United States Constitution and Section 326 of the Act, prohibit the Commission from censoring program material or interfering with broadcasters' free speech rights. The Commission does regulate broadcast content where federal statutes direct it to do so. For example, the Commission enforces the statutory prohibition on the broadcast of obscene, indecent and profane material contained in the United

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<sup>1</sup> 47 U.S.C. § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). See *Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, Order, 11 FCC Rcd 6363 (1996).

<sup>2</sup> 47 U.S.C. §§ 309(k)(2), 309(k)(3).

<sup>3</sup> See Informal Objections filed on September 27, November 18 and 23, 2005, respectively, by Roger Smith, Irene Smith, and Ed O'Hara.

<sup>4</sup> See Informal Objections filed November 22 and December 19, 2005, respectively, by Millee Livingston and Marilyn Jasper.

<sup>5</sup> See Informal Objection filed May 16, 2005, by Brian Hassett.

States Criminal Code.<sup>6</sup> However, because Congress has not authorized the Commission to do so, the Commission currently does not regulate the type of material about which the Objectors have complained. Although the Objectors may find viewpoints presented on the stations to be offensive or derogatory, it is well settled that “if there is to be free speech, it must be free for speech that we abhor and hate as well as for speech that we find tolerable or congenial.”<sup>7</sup> Accordingly, we deny the Informal Objections.

**Conclusion/Actions.** We have evaluated the KFBK(AM) and KSTE(AM) license renewal applications pursuant to Section 309(k) of the Act,<sup>8</sup> and we find that each 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 Commission’s Rules at either station; and there have been no other violations at either station which, taken together, constitute a pattern of abuse.

In light of the above discussion, and pursuant to Section 309(k) of the Act, and Sections 0.61 and 0.283 of the Commission’s Rules,<sup>9</sup> the Informal Objections filed on May 16, September 27, November 18, November 22, November 23, and December 19, 2005, ARE DENIED, and the applications (File Nos. BR-20050727AGH and BR-20050727AGR) of AMFM Broadcasting Licenses, LLC, to renew the licenses for Stations KFBK(FM), Sacramento, California and KSTE(FM), Rancho Cordova, California, ARE GRANTED.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: AMFM Broadcasting Licenses, LLC

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<sup>6</sup> See 18 U.S.C. § 1464.

<sup>7</sup> *Anti-Defamation League of B’nai B’rith*, Memorandum Opinion, 4 FCC 2d 190, 191 (1966) *aff’d sub nom. Anti-Defamation League of B’nai B’rith v. FCC*, 403 F.2d 169 (D.C. Cir. 1968), *cert. denied*, 394 U.S. 930 (1969).

<sup>8</sup> 47 U.S.C § 309(k).

<sup>9</sup> 47 U.S.C. § 309(k); 47 C.F.R. §§ 0.61, 0.283.