



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

November 20, 2015

In Reply Refer to:
1800B3-RSS

Stephen P. Lepisto
President, Northwest Indy Radio
2708 Hampton Court SE
Olympia, WA 98501

D.M. Brown
1736 Pacific Ave.
Aberdeen, WA 98520

In re: **KBSG(FM), Hoquiam, WA**
File No. BRED-20130909AAB
Facility ID No. 174954

**Application for Renewal of License
Informal Objection**

Dear Applicant and Objector:

This letter refers to: (1) the above-referenced application of Northwest Indy Radio ("NIR") to renew the noncommercial educational ("NCE") license for Station KBSG(FM) ("Station"), Hoquiam, Washington¹ ("Application");² and (2) the January 2, 2014, Informal Objection ("Objection") to the Application filed by D.M. Brown ("Brown").³ For the reasons set forth below, we deny the Objection and grant the Application.

Background. NIR timely filed the Application on September 9, 2013,⁴ against which Brown, on January 2, 2014, filed the Objection. On January 9, 2014, NIR's President, Stephen Lepisto ("Lepisto"), filed an opposition to the Objection ("Opposition"). In the Objection, Brown alleges that the Station was silent when (s)he attempted to listen to it.⁵ Further, Brown asserts that the Station lacks a "main studio,

¹ When the Informal Objection was filed, the Station's call sign was "KCFL," and its community of license was "Westport, Washington." The Station's call sign has since been changed to "KBSG," and its community of license has changed to Hoquiam, Washington.

² See *Broadcast Applications*, Public Notice, Report No. 28071 (MB Sep. 11, 2013).

³ See *Broadcast Applications*, Public Notice, Report No. 28150 (MB Jan. 7, 2014).

⁴ See File No. BRED-20130909AAB.

⁵ Objection at 1.

public file, regular business hours, or a local phone number.”⁶ According to Brown, renewing the Station’s license is not in the public interest because it “lies-up [sic] limited spectrum for a station that is not on the air.”⁷ Responding in the Opposition, Lepisto suggests that the Objection was made under “false pretenses,” as NIR was unable to verify Brown’s contact information despite multiple attempts.⁸ Lepisto thus requests that the Commission dismiss the Objection.⁹

Discussion. An informal objection must, pursuant to Section 309(d) of the Communications Act of 1934, as amended (the “Act”),¹⁰ 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,¹¹ which governs our evaluation of an application for license renewal. Specifically, Section 309(k)(1) provides that we are to grant the renewal application 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 of the Commission’s Rules (the “Rules”); and (3) there have been no other violations that, taken together, constitute a pattern of abuse.¹² 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(d) 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.”¹³

Brown’s allegations are conclusory statements that are unsupported by reliable evidence. Allegations, such as Brown’s, that consist of “ultimate, conclusory facts or more general affidavits” are insufficient to demonstrate that grant of an application would be *prima facie* inconsistent with Section 309(k) of the Act.¹⁴ Accordingly, we find that the Objection fails to establish a substantial and material question of fact that grant of NIR’s Application would be *prima facie* inconsistent with Section 309(k)(1) of the Act.¹⁵

We have evaluated NIR’s Application pursuant to Section 309(k) of the Act, and Sections 0.61 and 0.283 of the Rules¹⁶ and conclude that grant is required pursuant to Section 309(k)(1) of the Act.¹⁷

Conclusion/Actions. For the reasons set forth above, IT IS ORDERED, that the Informal Objection filed by D.M. Brown, on January 2, 2014, IS DENIED.

⁶ *Id.*

⁷ *Id.*

⁸ Opposition at 1.

⁹ *Id.*

¹⁰ 47 U.S.C. § 309(d).

¹¹ 47 U.S.C. § 309(k). See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff’d sub nom. Garden State Broadcasting L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *reh’g denied* (D.C. Cir. Sept. 10, 1993).

¹² 47 U.S.C. § 309(k)(1).

¹³ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

¹⁴ 47 U.S.C. § 309(k). See also *Gencom, Inc. v. FCC*, 832 F.2d 171, n.11 (D.C. Cir. 1987).

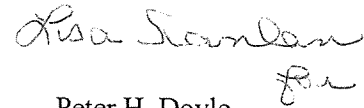
¹⁵ See *supra*, note 12.

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

¹⁷ 47 U.S.C. § 309(k)(1).

IT IS FURTHER ORDERED, that the application of Northwest Indy Radio to renew the noncommercial educational license for Station KBSG(FM), Hoquiam, Washington (File No. BRED-20130909AAB), IS GRANTED.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter H. Doyle".

Peter H. Doyle
Chief, Audio Division
Media Bureau