



Federal Communications Commission
Washington, D.C. 20554

March 28, 2007

DA 07-1445

In Reply Refer to:

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Mr. J.C. Olszowka
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In re: WYLL(AM), Chicago, IL
Facility ID No. 28630
SCA License Corporation
File No. BR-20040730BCV

Application for Renewal of License

Informal Objection

Dear Mr. Olszowka and Mr. Riley:

This letter refers to: (1) the captioned application (the "Application") of SCA License Corporation ("SCA" or the "Licensee") to renew the license for Station WYLL(AM), Chicago, Illinois (the "Station"); and (2) the October 12, 2004, Informal Objection to that Application filed by Mr. J.C. Olszowka (the "Objection"). In his Objection, Mr. Olszowka raises concerns over what he perceives to be political bias in the Station's programming. For the reasons set forth below, we deny Mr. Olszowka's Objection and grant the Application.

Discussion. Informal objections must, pursuant to Section 309(e) of the Communications Act of 1934, as amended (the "Act"), provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the renewal application would be *prima facie* inconsistent with Section 309(k).¹ Section 309(k)(1) of the Act. 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 the Commission's Rules (the "Rules"); and (3) there have been no other violations which, taken together,

¹ See, e.g., *WWOR-TV, Inc.*, 6 FCC Rcd 193, 197 note 10; *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested).

constitute a pattern of abuse.² 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.”³

The role of the Commission in overseeing program content is limited. The First Amendment to the United States Constitution and Section 326 of the Act⁴ 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 States Criminal Code.⁵ However, because Congress has not authorized the Commission to do so, the agency does not regulate the type of material about which Mr. Olszowka has complained. Broadcasters are accorded broad discretion in determining the programming that they choose to air, and Mr. Olszowka has failed to demonstrate that the licensee has abused that discretion.⁶ Moreover, he has not provided any specific examples of the programming to which he objects. Although he may find viewpoints presented on the Station to be offensive, 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.”⁷ Accordingly, we deny the Objection.

Conclusion. We have evaluated the WYLL(AM) renewal application pursuant to Section 309(k) of the Act,⁸ and we find that the 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 Rules; and there have been no other violations which, taken together, constitute a pattern of abuse. Accordingly, we grant the renewal application below.

² 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).

³ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁴ 47 U.S.C. § 326.

⁵ See 18 U.S.C. § 1464.

⁶ See *Storer Broadcasting Company*, 60 FCC 2d 1097 (1976).

⁷ *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).

⁸ 47 U.S.C. § 309(k).

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,⁹ the Informal Objection filed on October 12, 2004, by J.C. Olszowka IS DENIED, and the application (File No. BR-20040730BCV) of SCA License Corporation for renewal of license for Station WYLL(AM), Chicago, Illinois, IS GRANTED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: SCA License Corporation

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