



Federal Communications Commission
Washington, D.C. 20554
April 6, 2016

Ref. No. 1800B3-TSN

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Larry S. Weatherford
President
Benton-Weatherford Broadcasting, Inc., of Indiana
P.O. Box 67
Covington, IN 47932

Re: WKZS(FM), Thomasboro, Illinois
Facility ID No. 4807
File No. BRH-20120330AFO

Application for Renewal of License

Dear Applicant:

We have before us the application of Benton-Weatherford Broadcasting, Inc., of Indiana (Licensee) for Renewal of License of broadcast station WKZS(FM) (WKZS).¹ As discussed below, we grant the Renewal Application, but caution Licensee with regard to its current license term and prospects for further license renewal.

Background. At the beginning of WKZS's most recent license term the station was licensed at the community of Covington, Indiana. On July 13, 2009, the staff granted Licensee's application to change the WKZS community of license from Covington to Thomasboro, Illinois.² The construction permit for that modification expired on July 13, 2012. On July 17, 2012, Licensee filed a second modification application,³ proposing the same facilities as the expired Thomasboro construction permit. The 2012 Application was granted on August 20, 2012, and like the prior construction permit, this permit also expired three years later, on August 20, 2015. That same day Licensee filed a third modification application,⁴ also specifying identical facilities to those in the expired 2009 and 2012 construction permits. The 2015 Application was granted October 2, 2015, and will expire on October 2, 2018.

Discussion. The most recent renewal of the WKZS license was granted on August 5, 2004, for a term expiring on August 1, 2012. Almost five years into the license term, when the Community Change Application was granted on July 13, 2009,⁵ WKZS's community of license became Thomasboro, Illinois. As of that date, WKZS had only implied Special Temporary Authorization to continue operating at Covington, Indiana, until it could implement the facility modification necessary to effect the community

¹ File No. BRH-20120330AFO (Renewal Application).

² File No. BPH-20080108ABK (Community Change Application).

³ File No. BPH-20120717AAF.

⁴ File No. BPH-20150820CMX.

⁵ *Mr. Leonard Watson and Larry S. Weatherford*, Letter Decision, 24 FCC Rcd 9067, 9069 (MB 2009).

of license change to Thomasboro.⁶ Thus, during its most recent license term (2004–2012) the station had two communities of license; although WKZS has never served Thomasboro, it did serve the original community of license, Covington, from August 5, 2004, until July 13, 2009. No challenges to the Renewal Application have been filed, and we are unaware of any serious violations of the Communications Act of 1934, as amended (Act), or the rules, or of any Licensee violations of the Act or the rules that, taken together, would constitute a pattern of abuse. We have evaluated the Renewal Application pursuant to Section 309(k) of the Act,⁷ and we find that WKZS has served the public interest, convenience, and necessity during the subject license term.


We observe, however, that WKZS has failed for over six years to implement the relocation of its technical facilities, and is on its third consecutive permit to construct facilities that would provide service to its community of license of Thomasboro, Illinois. Thomasboro does not lie within the current WKZS 60 dBμ service contour, to say nothing of the station’s 70 dBμ principal community contour. It is fair to state that WKZS has not provided any sort of service to its community of license since the Community Change Application was granted over six years ago, including almost the first half of the station’s current license term.

We therefore take this opportunity to advise Licensee of the heavy burden it may face, when applying for its next license renewal, if it does not expedite construction and implementation of the new facilities to serve Thomasboro that were permitted over six and one half years ago. The Commission has stated unequivocally that “a licensee will face a very heavy burden in demonstrating that it has served the public interest where it has remained silent for most or all of the prior license term.”⁸ We therefore encourage Licensee to renew its efforts to implement its community of license change, and expeditiously to file an application for a license to cover at Thomasboro.

Conclusion/Actions. For the foregoing reasons, IT IS ORDERED THAT the application of Benton-Weatherford Broadcasting, Inc., of Indiana, for renewal of the license for Station WKZS(FM) (File No. BRH-20120330AFO) IS GRANTED.

Sincerely,



Peter H. Doyle 
Chief, Audio Division
Media Bureau

⁶ See, e.g., *Brian M. Madden, Esq., and Lewis J. Paper, Esq.*, Letter Decision, 25 FCC Rcd 4765, 4767 (MB 2010) (citing *1998 Biennial Regulatory Review—Streamlining of Mass Media Applications, Rules, and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525, 17540 n.55 (1999)).

⁷ 47 U.S.C. § 309(k).

⁸ *Birach Broadcasting Corp.*, Memorandum Opinion and Order, 16 FCC Rcd 5015, 5020 para. 13 (2001).