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FCC Mail Room

PETITION TO DENY

To:
The Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554
ATTN: Audio Division, License Renewal Processing Team Mail Stop 1800B

Included in this mailing: one signed original and two copies

From:
Robert E. Boris
1011 Lake Gracie Drive
Eustis, FL 32726

RE:
License renewal of radio station WQBQ-AM
Facility ID: 73913
Renewal application file #: BR-20110929AES
City of License: Leesburg Florida

This is to certify that a copy of this Petition to Deny has been sent to

Rama Communications, Inc.
3765 North John Young Parkway
Orlando, Florida 32804
ATT: Shanti Persaud



Robert E. Boris
Eustis, Florida
December 15, 2011

2011 DEC 28 A 5:31

DEC 27 2011

FCC Mail Room

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Matter of)
the Broadcast License of:)
WQBQ-AM, Leesburg, FL) Facility ID: 73913
And) Renewal Application file #: BR-20110929AES
Shanti Persaud, president)
Rama Communications, Inc.)
3765 North John Young Parkway)
Orlando, Florida 32804)
License holder)

To: Audio Division, License Renewal Processing Team

Thursday, December 15, 2011

PETITION TO DENY

Of:

Robert E. Boris
1011 Lake Gracie Drive
Eustis, FL 32726

Acting in Propria Persona

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AFFIDAVIT
of Robert E. Boris

I attest that the statements made in this *Petition to Deny* are true to the best of my knowledge.

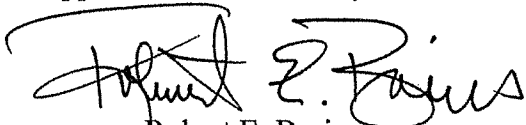
I am a *party in interest* of local radio in that I am a listener and have for many years been concerned with the benefits of local radio and most particularly about the responsibility local radio station license holders have with their listeners and their licensing agency.

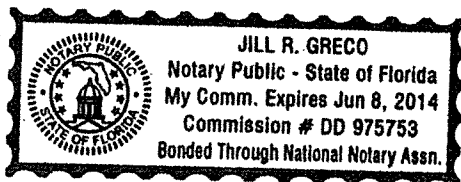
Local radio is important to me. I depend upon local radio for news about my area and for information concerning weather and other emergencies.


I have never worked for WQBQ or solicited for work at the station. I do not personally know the owners or operators of this station

I am semi-retired, single, and on Social Security.

I am confident that the FCC will, in this matter, undertake the lawful action that is applicable and necessary.


Robert E. Boris
December 15, 2011




Dec. 15, 2011

PREFACE

Inaccessibility and Non-compliance

The public has a right to know who is operating a radio station on their behalf and how well it does this.

Licensed broadcast radio stations have a long-term commitment in their business and obligations to the area they are licensed to serve and should be available to their listeners through more ways than just their transmitters. To be a responsible broadcast radio station license-holder, the owner needs to be accessible.

The public should be able to determine a broadcast radio station's licensed call letters and locate the broadcast radio stations licensed to their community. At the least, the public should be able to find their broadcast radio stations listed in the phone book. The public should be able to contact broadcast radio station offices during normal business hours and reach a responsible representative..

Additionally, broadcast radio stations should make the effort to comply with FCC requirements.

It was only with much effort that this petitioner was able to discern *who* operated WQBQ, (The station has gone through several call letter changes during its' history, WBIL, WZST, WHRB etc.), and *where* the Public Inspection File was located.

The WQBQ Internet website (wqbq1410.com) provided *no location address, no city of license and no business telephone number*. Also, there is *no address or telephone listing* for WQBQ (or Rama Communications) in the current (or past) "Century Link Yellow Pages" (the area's telephone service provider,) under 'Radio Stations and Broadcasting Companies'.

So it was that only with difficulty did this petitioner learn of the station's true location address and examine their Public Inspection File. WQBQ offices display *no signage* on or near this address; and there is *no name or street number* on any door or part of the building. After choosing to enter the street-side door of the building, it took five minutes to find anyone.

When a broadcast radio station is difficult to contact by telephone, and their physical address is obscure and hard to find, exercising the right to examine a station's Public Inspection Files becomes an issue.

SPECIFIC STATEMENT

(WQBQ, formerly WRHB, radio is a 5,000-watt, commercial broadcast station operating on 1410kc, with a service area and community of license for Leesburg, Florida. The license holder is Rama Communications, Inc. of Orlando, Florida. The facility I.D. Number is 73913.)

At approximately 10:00am On Monday, December 5, 2011, the petitioner went to 1920 County Road 25A in Leesburg and asked to see the Public Inspection File. The person in charge, a Ms. Bobbi DePew, told the petitioner that she could not accommodate me at this time as she was "on the air."

At approximately 12:10, the petitioner again went to the station and again asked to see the WQBQ Public Inspection File.

I was taken into a room and handed a brown folder labeled "Public File." Inside, I looked for descriptions of programs produced by WQBQ in the public interest and information that could explain items I had found on the FCC public Internet website.

In the file provided me, I could not find lists or descriptions of recent programs in the public interest. I also could not find any quarterly updates or schedules or any specific references to the station's public interest or other community-related programming.

I looked for and could not find in the file: a copy of the station license, files about their political policies and list of related programs, sets of recent Emergency Alert System test confirmations, or specific FCC correspondences (that I found references to on the Internet at the FCC site). There were also no references to or explanations for why this radio station had been off the air for 3 weeks in 2008 and that WQBQ was cited for operating without management on site for a month in 2009.

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Specific Statement continued

While I was examining the file, a Ms. Willow Scott stayed at the door and several times asked me just “who I was” and “why I was examining *their* files.” I said that I was “an interested local resident and that I wanted to better understand the operation of the radio station.”

After about 20 minutes examining the file I asked Ms. Scott, who was still leaning against the doorway, several questions. Ms. Scott did not seem to like my questions, and left, and soon after Ms. DePew came into the room and declared that I had been “rude” to them and not “forthcoming,” and that I would have to leave. Ms. DePew then picked up my papers, put them in my hands, escorted me to the building exit and told me in an unfriendly manner “not to come back.”

“...no evidence that station....ever had a complete Public Inspection File.”

The petitioner’s experience with the WQBQ Public Inspection File does not appear to be exceptional. According to the FCC public website, two years ago WQBQ (WRHB) was cited by the Federal Communications Commission for non-compliance with rules governing the WQBQ Operations and Public Inspection File.

On November 1, 2010 (one year ago) the FCC re-addressed this non-compliance and re-affirmed their allegations and reasons for forfeiture. The FCC inspections (there were at least two, the first on September 3, 2009 and the second on October 8, 2009,) revealed that the Public Inspection File at that time was incomplete. The 2010 FCC judgment doubted whether the license-holder had at any time dutifully maintained this essential report to the Public:

“ There is no evidence that Station WRHB (WQBQ) ever had a complete public inspection file. Based on the evidence before us, we find that Rama apparently willfully and repeatedly violated Section 73.3526 of the Rules by failing to maintain a complete public inspection file and apparently willfully violated Section 73.3526 of the Rules by failing to make available a complete public inspection file.”

(FCC File # EB-09-TP-0067, section III, part 8)
(WQBQ) added

Itemized Summary of Issues

Specific issues about the WQBQ Public Inspection File as seen on December 5, 2011, and based on Section 73.3526 of FCC 47CFR, Ch.1 rules and regulations (10-1-10 edition).

1. The WQBQ Public Inspection File was not immediately made available to the petitioner even though station personnel were at the station at the time. (Section 73.3526 (c))
2. The petitioner's opportunity to have copies from the files was denied. (Section 73.3526 (c))
3. Assignment documents since last renewal of license not provided (Section 73.3526 (d) (1))
4. Transfer of Radio Station control between Heartbeat Radio for Women and WQBQ not provided. (Section 73.3526 (c) (2))
5. Authorization section of file did not include antenna modifications, power change construction permit or other correspondence from FCC (Section 73.3526 (e) (1))
6. Power, antenna issues did not appear in file. (Section 73.3526 (e) (2))
7. There was no ownership report or related materials in the file. (Section 73.3526 (e) (5))
8. No "political file" contents in the file. (Section 73.3526 (e) (6))
9. No recent letters to station retained in the file. (Section 73.3526 (e) (9))
10. The website (wqbq1410.com) makes no reference to letters being available at the studio. (Section 73.3526 (e) (9) (iii))
11. No FCC investigative or complaint materials were in the file. (Section 73.3526 (e) (10))
12. None of the "radio issues and programs lists" were provided. (Section 73.3526 (e) (12))
13. None of the local public filing notices were provided. (Section 73.3526 (e) (13))
14. No contracts or brokerage agreements were provided. (Section 73.3526 (e) (14))
15. No joint sales agreements were provided. (Section 73.3526 (e) (16))

References in Detail of certain "key" issues:

(Quoted areas are from the FCC "The Public and Broadcasting" booklet)

The License. After asking several times, no license was produced.

"Stations must keep a copy of their current FCC license in the public file, together with any material documenting FCC-approved modifications to the license. The license reflects the station's technical parameters (authorized frequency, call letters, operating power, transmitter location, etc.), as well as any special conditions imposed by the FCC on the station's operation. The license also indicates when it was issued and when it will expire."

Applications and Related Materials. Certain actions by the FCC through the licensing period, largely technical, (related to the call letters, brokered operation, issues of various and sundry nature,) were requested and not provided.

"The public file must contain copies of all applications filed with the FCC that are still pending before either the FCC or the courts. These include applications to sell the station (technically known as "assigning" or "transferring" the license) or to modify its facilities (for example, to increase power, change the antenna system, or change the transmitter location)."

List of Contracts Required to be Filed with the FCC. Although asked for, no network contracts, syndication contracts or barter arrangements with programmers were provided.

"Stations have to keep either a copy of all the contracts that they have to file with us, or an up-to-date list identifying all such contracts. If the station keeps a list and you ask to see copies of the actual contracts, the station must give them to you within seven days. Contracts required to be maintained or listed in the public inspection file include:

- (1) contracts relating to network service (network affiliation contracts);
 - (2) contracts relating to ownership or control of the licensee or permittee or its stock. Examples include articles of incorporation, bylaws, agreements providing for the assignment of a license or permit or affecting stock ownership or voting rights (stock options, pledges, or proxies), and mortgage or loan agreements that restrict the licensee or permittee's freedom of operation;
 - (3) management consultant agreements with independent contractors, and station management contracts that provide for a percentage of profits or sharing of losses."
-

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continued

Issues/Programs List. There were none. *No one at station knew what these were.*

“Every three months, all stations must prepare and place in their file a list of programs that have provided their most significant treatment of community issues during the preceding three months. The list must briefly describe both the issue and the programming where the issue was discussed. The stations must keep these lists for the entire license term.”

Radio Time Brokerage Agreements. There were none.

“A time brokerage agreement is a type of contract that generally involves a station's sale of discrete blocks of airtime to a broker, who then supplies the programming to fill that time and sells the commercial spot announcements to support the programming. Commercial radio stations must keep a copy of every agreement involving: (1) time brokerage of that station; or (2) time brokerage by any other station owned by the same licensee.”

Local Public Notice Announcements. Changes related to C.P. for power change and revision not provided. No record of newspaper or broadcast announcements.

“When someone files an application to build a new station or to renew, sell, or modify an existing station, we often require the applicant to make a series of local announcements to inform the public of the application's existence and nature. These announcements are either published in a local newspaper or made over the air on the station, and they are intended to give the public an opportunity to comment on the application. Copies of these announcements must be retained in the public inspection file.”

CONCLUSION

Rama Communications, Inc. by its actions has demonstrated to this petitioner that it does not warrant renewal of their radio station broadcast license for WQBQ in Leesburg, Florida.

Do they responsibly serve our area's needs? Do they provide local news, community event notices, local shows or participate in public affairs on a regular and reliable basis? Their Community Inspection File seems to show that they do not.

Does WQBQ follow the FCC regulations and requirements? Not according to the FCC's own reports:

"We caution Rama that future violations of Commission rules may result in more severe enforcement penalties, including significantly larger forfeitures. We further remind Rama that licensees have a duty to be truthful and candid with the Commission in all written and oral communications." See 47 C.F.R. §1.17. "In addition to monetary forfeitures, violations of this duty also may subject licensees to license revocation or non-renewal." See, e.g., 47 U.S.C. §312(a)(1). (EB-09-TP-0067, Section III-9 and associated footnote 18).

The evident minimal effort that Rama Communications, Inc. has put to serving this area appears irresponsible. The WQBQ licensee, to this petitioner, does not seem committed to reliable broadcast radio station operation or local participation. And, when called upon to demonstrate accessibility and compliance, (as revealed by the investigations of the FCC,) they appear oblivious to the public interest.

An AM Radio Station Broadcast License is precious. Most all broadcast stations treat their licenses (and their audiences) with great respect. Most licensees realize that they have an obligation to their service area and to the safe, appropriate and consistent operation of their emergency alert systems, transmitters and antennas.

The license of WQBQ should be in the hands of a more caring broadcaster, one that realizes the power and responsibility this extremely limited opportunity represents. The current owners of the 1410kc license for Leesburg, Florida seem unaware of the size and scope of the privilege given them, and appear to have "repeatedly" and "willfully" demonstrated, *to their audience, to the FCC and to this petitioner*, a years-long determination to be inaccessible to the public and non-compliant as to the basic requirements every AM broadcast radio station fulfills to keep it's license.

The People deserve much better. This petitioner asks that The Federal Communications Commission take serious consideration of the disappointing and on-going issues presented here.