



Federal Communications Commission  
Washington, D.C. 20554

July 18, 2014

WICS Licensee, LLC  
Attention: Clifford M. Harrington  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street NW  
Washington, D.C. 20037

Mr. Dayton Loyd  
Chapter Director, Central Illinois Chapter  
Parents Television Council  
P.O. Box 2553  
Springfield, Illinois 62708-2553

Re: WICS, Springfield, Illinois  
File No. BRCT-20050801ASO  
Facility ID No. 25686

Dear Objector/Licensee:

Dayton Loyd ("Objector") filed an informal objection opposing the license renewal of Station WICS, Springfield, Illinois, which is licensed to WICS Licensee, LLC ("Licensee"). For the reasons set forth below, we deny the informal objection.

*Background.* Objector contends that the license renewal application for WICS should not be renewed until indecency complaints against the station are adjudicated. Objector specifically refers to the August 31, 2004 broadcast of the show "Father of the Pride," which Objector contends contained indecent material.

Section 309(k)(1) of the Communications Act of 1934 (the "Act") states that the Commission shall grant a license renewal application if it finds that (a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations of the Communications Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of this Act or the rules or regulations of the Commission which, taken together, would constitute a pattern of abuse.<sup>1</sup> When an informal objection is filed against a license renewal application, the Commission applies a two-step analysis under the public interest standard.<sup>2</sup> The Commission must first determine whether the informal objection contains specific allegations of fact sufficient to show that granting the application would be *prima facie* inconsistent with the public interest.<sup>3</sup> If an informal objection meets this first step, the Commission must determine "whether the totality of the evidence raises a substantial and material

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<sup>1</sup> 47 U.S.C. § 309(k)(1).

<sup>2</sup> *Astroline Communications Co. Ltd. Partnership v. FCC*, 857 F.2d 1556, 1561 (D.C. Cir. 1988); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 862, 864 (1986) (informal objections, like petitions to deny, must contain adequate and specific factual allegations sufficient to warrant the relief requested).

<sup>3</sup> 47 U.S.C. § 309(k)(1).

question of fact justifying further inquiry.”<sup>4</sup> If no such question is raised, the Commission will deny the informal objection and grant the application if it concludes that such grant otherwise serves the public interest, convenience, and necessity.<sup>5</sup>

*Discussion.* The Commission has already ruled on the merits of Objector’s allegation and concluded that the material was not indecent.<sup>6</sup> We have reviewed the facts presented in the informal objection and conclude that it does not contain specific allegations which would justify denial or designation of the license renewal application or demonstrate a pattern of non-compliant behavior.<sup>7</sup>

We therefore conclude that the informal objection does not allege violations that raise substantial and material questions of fact concerning the Licensee’s qualifications or would otherwise justify designation of the Station WICS license renewal application for hearing pursuant to section 309(k) of the Act.<sup>8</sup> Accordingly, it is ordered that the informal objection filed by Dayton Loyd **IS DENIED**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Kreisman', with a long horizontal flourish extending to the right.

Barbara Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> *Citizens for Jazz on WRVR v. FCC*, 775 F.2d 392, 395 (D.C. Cir. 1985) (citing 47 U.S.C. §309(k)(2)); *Area Christian Television, Inc.*, 60 RR at 864.

<sup>5</sup> 47 U.S.C. § 309(k)(1).

<sup>6</sup> *Complaints Regarding Various Television Broadcasts Between Feb. 2, 2002 and Mar. 8, 2005*, Notices of Apparent Liability and Memorandum Opinion and Order, 21 FCC Rcd 2664, 2710 (2005).

<sup>7</sup> *EZ New Orleans, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 7164 (1999); *Eagle Radio, Inc.*, Memorandum Opinion and Order, 9 FCC Rcd 1294, 1295 (1994).

<sup>8</sup> *Id.*