



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

November 20, 2007

DA 07-4683

In Reply Refer to:

1800B3-SC

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Mr. Brahim Ayad
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In re: WJMO(AM), Cleveland, OH
Facility ID No. 41389
Blue Chip Broadcasting Licenses, Ltd.
File No. BR-20040521ADW

Informal Objection

Dear Messrs. Ayad and Watson:

We have before us a pleading, titled "Administrative Demand/Complaint for Relief and Motion for Temporary Restraining Order," filed by Mr. Brahim Ayad and Mr. Michael Watson (together, the "Petitioners") on October 1, 2004, which we consider as an Informal Objection (the "Objection"). The Objection demands that the Commission deny the above-referenced application (the "Application") of Blue Chip Broadcasting Licenses, Ltd. for the renewal of license of broadcast station WJMO(AM), Cleveland, Ohio. For the reasons set forth herein, we deny the Objection.

We find the Objection deficient on procedural grounds. The Application was granted on September 20, 2004, yet Petitioners filed the Objection nine days after this grant. Section 73.8537 of the Commission's rules (the "Rules"), 47 C.F.R. §73.3587, states that any person may file an informal objection to an application "*before FCC action*" (emphasis added). Petitioners failed to meet this requirement. Further, we cannot treat the Objection as a petition for reconsideration or application for review. Section 1.106 of the Rules, 47 C.F.R. §1.106, governs the filing of petitions for reconsideration of a Commission action, and Section 1.115 of the Rules, 47 C.F.R. §1.115, sets forth the procedures for a request for review of actions by Commission staff acting under delegated authority. Both rules specify that a party who has not previously participated in the proceeding must state "with particularity the manner in which the person's interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding."¹ Petitioners

¹ See 47 C.F.R. §§1.106(b)(1) and 1.115(a).

were not a party to the renewal proceeding prior to the grant of the Application, and their Objection does not include any showing of good reason for their failure to participate.

Because Petitioners did not meet the minimum procedural thresholds discussed above, our analysis need not extend to the merits of their pleading. We note, however, that the Objection does not provide any 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 the license renewal standards set forth in Section 309(k)(1) of the Communications Act of 1934, as amended.² For the foregoing reasons, the Objection is denied.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Blue Chip Broadcasting Licenses, Ltd.

² See 47 U.S.C. §309(k)(1). The Objection raises a number of claims over which we have no jurisdiction and for which we could not provide any relief, including alleged breach of contract and harms of a tortious nature. Petitioners also object to licensee's programming decisions. It is established Commission policy that licensees have broad discretion to choose, in good faith, the programming they believe serves the needs and interests of their communities and the Commission will intervene only where licensees have abused that discretion. See, e.g., *License Renewal Applications of Certain Commercial Radio Stations Serving Philadelphia, Pennsylvania*, Memorandum Opinion and Order, 8 FCC Rcd 6400, 6401 (1993), citing *Time-Life Broadcast, Inc.*, Memorandum Opinion and Order, 33 FCC 2d 1081, 1082 (1972), and *Office of Communications of United Church of Christ v. FCC*, 707 F.2d 1413 (D.C. Cir. 1983) (subsequent history omitted).