

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

|                                  |   |                     |
|----------------------------------|---|---------------------|
| In the Matter of:                | ) |                     |
|                                  | ) |                     |
| Abilene Christian University     | ) |                     |
| Reclassification of License of   | ) | Facility ID No. 298 |
| Class A Television Station K07UF | ) |                     |
| Abilene, Texas                   | ) |                     |

**ORDER TO SHOW CAUSE**

**Adopted: June 11, 2013**

**Released: June 12, 2013**

By the Chief, Video Division, Media Bureau:

1. This is with respect to station K07UF, Abilene, Texas, licensed to Abilene Christian University. The station is currently licensed as a Class A television station, which is accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 (“CBPA”).<sup>1</sup>

2. K07UF was granted Class A status in 2001,<sup>2</sup> and Commission records show that Abilene Christian University wholly failed to comply with the online public file requirements for Class A television stations. By letters dated March 12, 2013, April 8, 2013, and April 24, 2013, the Video Division requested information from Abilene Christian University regarding its apparent failure to comply with the online public file requirements.

3. As the March 12, 2013 letter (the “First Letter”) set forth, each Class A television station must prepare and place in its public inspection file on a quarterly basis an issues/programs list demonstrating that the station aired programming that meets the needs and interests of its community of license<sup>3</sup> and documentation sufficient to demonstrate that it is continuing to meet its Class A eligibility requirements, including the programming requirements. Furthermore, a Class A station is required to meet the other public file requirements of a full power station, including the requirement to upload the contents of its public file to the Commission’s website.<sup>4</sup> The Class A obligation to comply with the public file requirements of a full power station also includes uploading to the Commission’s website the address of the station’s main studio.<sup>5</sup>

4. Accordingly, the Video Division required that the Licensee, within ten (10) days from the date of the First Letter, (i) upload the Station’s main studio address to its online public file; (ii) upload all missing issues/programs lists to its online public file and/or identify those quarters for which an

<sup>1</sup> Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336.

<sup>2</sup> File No. BLTVA-20010710ABW.

<sup>3</sup> 47 C.F.R. § 73.3526(e)(11)(i).

<sup>4</sup> *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 27 FCC Rcd 4535, 4536, n.2 (2012) (The Commission adopts the proposal to replace the requirement that commercial and noncommercial television stations, including Class A TV stations, maintain a public file at their main studios with a requirement to post most of the documents in that file to an online public file to be hosted by the Commission.).

<sup>5</sup> *Id.* at 4568-69; 47 C.F.R. § 73.3526(b)(2); and § 73.3526(e)(17).

issues/programs list was not prepared and provide an explanation for why those lists were not prepared; and (iii) provide and upload information demonstrating the station's compliance with the Class A requirements, meaning documentation demonstrating that during the period since the station filed for Class A status, it has (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of locally produced programming each quarter; and (3) complied with all applicable Part 73 operating rules. Abilene Christian University took no action regarding its online public file in response to the First Letter, which was mailed to the address on record in the Commission's Consolidated Database System ("CDBS").

5. The Video Division sent follow-up letters to Abilene Christian University on April 8, 2013 and April 24, 2013 (the "April Letters") reiterating the requirements and providing the Licensee with 30 days from the date of the April 24, 2013 letter to achieve full compliance. The April 24 letter was mailed to the address on record for the Station in CDBS, as well as the address listed in the Licensee's most recent application to the Commission.<sup>6</sup> The letter was sent by certified mail and signed for upon delivery. The April 8, 2013 letter was sent by email to James Thompson, a station representative, and the email was received and read. Abilene Christian took no action regarding its online public file in response to the April letters.

6. The Video Division's letters cautioned that failure to provide the information may result in a change of the station's status from Class A television status to low power television status. Abilene Christian University failed to respond to the Division's letters and also continues to be in violation of the online public file requirement.

7. Section 316(a) of the Communications Act of 1934, as amended, permits the Commission to modify an authorization if such action is in the public interest.<sup>7</sup> Further, pursuant to Section 316(a), we are required to notify the affected station of the proposed action, as well as the public interest reasons for the action, and to afford the licensee at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.<sup>8</sup>

8. IT IS THEREFORE ORDERED that Abilene Christian University show cause why its authorization for Class A television station K07UF, should not be modified to specify the station as a low power television station.

9. Pursuant to Section 1.87 of the Commission's Rules, Abilene Christian University may, no later than July 12, 2013, file a written statement why the above-captioned license should not be modified as proposed herein. The written statement, if any, must be mailed to Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554, ATTN: Barbara A. Kreisman, Chief, Video Division, Media Bureau. An electronic copy should also be sent to peter.saharko@fcc.gov. Upon review of the statement and/or additional information, the Commission may grant the modification, deny the modification, or set the matter for hearing. If no written statement is filed by July 12, 2013, the licensee will be deemed to have consented to the modification of its license from Class A television status to low power television status, and the modification proposed in this *Order*

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<sup>6</sup> 47 C.F.R. § 1.5 (a) ("Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose."); *see also* 47 C.F.R. 1.5 (b) ("The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.").

<sup>7</sup> 47 U.S.C. § 316(a).

<sup>8</sup> 47 C.F.R. § 1.87.

*to Show Cause* will be deemed to serve the public interest.

10. IT IS FURTHER ORDERED, That a copy of this *Order to Show Cause* shall be sent by Certified Mail, Return Receipt Requested, to the following addresses associated with Abilene Christian University as indicated below:

Abilene Christian University  
1600 Campus Court  
Abilene, Texas 79601

Abilene Christian University  
Attention: James Thompson  
1201 East Ambler  
Abilene, Texas 79601

This Order to Show Cause shall also be sent, via email, return receipt requested, to the following email address associated with the Licensee:

Jat01d@acu.edu

11. For further information concerning this proceeding, contact Peter D. Saharko, Video Division, Media Bureau, at Peter.Saharko@fcc.gov or (202) 418-1856.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau