



Federal Communications Commission
Washington, D.C. 20554

October 19, 2007

DA 07-4340

In Reply Refer to:

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Joseph Isabel
IZ Communications Corp.
135 Guy Park Avenue, Suite 1
Amsterdam, NY 12010

In re: WCSS(AM), Amsterdam, New York
Facility ID No. 23456
File No. BR-20060130APU

Dear Mr. Isabel:

We have before us: (1) a license renewal application for Station WCSS(AM), Amsterdam, New York, filed by IZ Communications Corp. ("IZ") and (2) an informal objection filed by Helen Blanchard ("Blanchard") on February 8, 2006. For the reasons discussed below, we deny the informal objection and grant the license renewal application.

Background. IZ timely filed the license renewal application for Station WCSS(AM) on January 30, 2006. On February 8, 2006, Blanchard filed an informal objection, stating that the license renewal application should be denied because Joseph Isabel, IZ's president, is dishonest and "a disgrace to radio." In support of her informal objection, Blanchard attaches a newspaper article from *The Recorder*, a local Amsterdam newspaper, which reports problems with Station WCSS(AM)'s public inspection file.¹

Discussion. Pursuant to Section 309(e) of the Communications Act of 1934, as amended (the "Act"),² informal objections, like petitions to deny, must provide 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 Section 309(k) of the Act,³ which governs our evaluation of an application for license renewal. Specifically, Section 309(k)(1) provides that we are to grant the renewal application if, upon consideration of the application and pleadings, we find that during the preceding license term: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken

¹ Bill Sheehan, *WCSS files not kept up per FCC regs*, *The Recorder*, February 6, 2006, at 1A.

² 47 U.S.C. § 309(e).

³ 47 U.S.C. § 309(k). See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 note 10 (1990), *aff'd sub nom. Garden State Broadcasting L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested).

together, constitute a pattern of abuse.⁴ If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”⁵

Blanchard’s informal objection does not specifically allege a violation of the Commission’s Rules or the Act by IZ. Instead, it relies on a newspaper article, which cannot provide a basis for denying IZ’s license renewal application.⁶ The Commission has consistently held that newspaper articles are the equivalent of hearsay and cannot act as a substitute for affidavits based on personal knowledge that are required to substantiate serious allegations.⁷ Furthermore, Blanchard’s generic and unsupported allegation of “dishonesty” does not contain adequate and specific factual allegations sufficient to warrant further inquiry into IZ’s license renewal application. For these reasons, Blanchard’s informal objection will be denied.⁸

Conclusion/Actions. We have evaluated the above-referenced renewal application pursuant to Section 309(k) of the Act,⁹ and we find that Station WCSS(AM), Amsterdam, New York, has served the public interest, convenience, and necessity during the subject license term. Moreover, we find that there have been no serious violations of the Act or the Rules involving Station WCSS(AM) by IZ Communications Corp. of the Act or the Commission’s Rules which, taken together, would constitute a pattern of abuse. In light of the foregoing, we will grant the renewal application.

Accordingly, IT IS ORDERED that the Informal Objection filed by Helen Blanchard IS DENIED. IT IS FURTHER ORDERED that the application of IZ Communications Corp. for renewal of its license for Station WCSS(AM) IS GRANTED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁴ 47 U.S.C. § 309(k)(1).

⁵ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁶ *American Mobile Radio Corporation*, Memorandum Opinion and Order, 16 FCC Rcd, 21431, 21436 (2001) (“[T]he Commission has consistently held that newspaper and magazine articles are the equivalent of hearsay and do not meet the specificity and personal knowledge requirements in a petition to deny”).

⁷ *Id.* See also, *Secret Communications II, LLC*, Memorandum Opinion and Order, 18 FCC Rcd 9139 (2003); *Heidi Damsky*, Order, 13 FCC Rcd 16352 (1998); *Pikes Peak Broadcasting Co.*, Memorandum Opinion and Order, 12 FCC Rcd 4626 (1997).

⁸ Furthermore, Blanchard did not sign or provide her address with her informal objection, rendering it procedurally defective under 47 C.F.R. §§ 1.52, 73.3587.

⁹ 47 U.S.C. § 309(k).