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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4329**

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FCC Mail Room

October 21, 2014

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20554

Dear Chairman Wheeler:

I am contacting you in regards to the delayed license renewal of station serving Pearsall and Frio County, Texas.

Recently I spoke with Mr. John Barger, the proprietor of KMFR-AM, who shared that he applied for a renewal license to the FCC prior to April 1, 2013. Nearly twenty months later, Mr. Barger has not been provided a final determination on his renewal application, which has halted potential investment in the station looking to take advantage of the rapid economic growth currently taking place in Frio and surrounding counties as a result of Eagle Ford Shale development.

Mr. Barger further indicated that he believes that his application has been long delayed by the Commission because KMFR-AM was on-the-air for 46 percent of its prior licensing period. It is my understanding that the Commission has chosen to apply a more stringent standard to broadcast license renewals in response to statutory language provided in the Telecommunications Act of 1996, which requires the Commission to grant renewals if a "station has served the public interest, convenience, and necessity" during the preceding term of its license.<sup>1</sup> The FCC has interpreted this standard to mean that a "licensee will face a very heavy burden in demonstrating that it has served the public interest where it has remained silent for most of all of the prior license term" for stations that did not air continuously.<sup>2</sup>

I caution the Commission of the potential harm of holding broadcaster renewals solely to a "backwards-looking standard" which could permanently shutter stations due to forces beyond

<sup>1</sup> 47 USC § 309(k)

<sup>2</sup> *Birach Broadcasting Corporation*, Memorandum Opinion and Order, 16 FCC Rcd 5015, 5020 (2001)

their control. Poor economic conditions have been endemic to South Texas and it has only been in recent years that widespread private investment has come to the region, transforming local communities and forming an important link in our nation's economic recovery.

KMFR-AM has been airing continuously since April of this year, providing local and state news, weather, a job line, and country music to communities in traditionally underserved, predominately-Hispanic South Texas. These services clearly meet the public interest standard. The convenience and necessity standards can be met through the discretion provided under Section 309(k)(2), which allows the Commission to grant license renewals under certain "terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted." I recommend that the Commission use this discretion and grant broadcast station applications conditional renewals, particularly for stations serving underserved communities, which did not air continuously during their prior license term.

The Commission should also take into consideration the preferable public interest outcome of keeping KMFR-AM on-the-air rather than the uncertain long-term prospect of licensing a new station to serve this growing community.

I urge the Commission to grant KMFR-AM a full term or a conditional short-term license renewal expeditiously and hope going forward that the FCC will review all station application renewals in an expeditious manner and give broadcasters the regulatory certainty they need to invest in our nation's airwaves and continue to serve the public interest.

I appreciate your attention to this matter and look forward to your prompt response and action to resolve this matter. Please do not hesitate to contact me if I can be of assistance on this or other matters before the Federal Communications Commission.

Sincerely,  


Gene Green  
Member of Congress

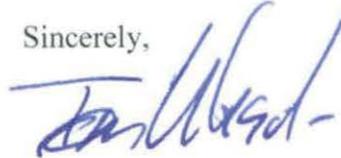
CC: John W. Barger  
Owner, KMFR-AM



I can understand your concerns regarding the length of time this matter has been pending, as well as the uncertainty it has posed for the station. Since becoming Chairman, I have made it a priority to reform Commission processes to increase efficiency and reduce backlogs. Consequently, I have asked the staff to make its final determinations as expeditiously as possible.

I hope this information is helpful. I have asked my staff to keep your office informed of the status of this renewal application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler". The signature is stylized with a large, sweeping initial "T" and a long horizontal stroke at the end.

Tom Wheeler