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December 6, 2013

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VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

ACCEPTED/FILED

DEC - 6 2013

Federal Communications Commission
Office of the Secretary

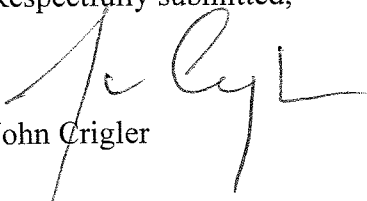
Re: Pasadena Area Community College District
FCC File No. BRED-20130729AJY
Facility ID No. 51701
For Renewal of License
Station KPCC(FM), Pasadena, California
Opposition to Informal Objection

Dear Ms. Dortch:

Transmitted herewith, on behalf of Pasadena Area Community College District, are the original and four copies of its Opposition to Informal Objection in response to an informal objection filed by Mr. Brad Leeger.

Should you have any questions regarding this matter, kindly communicate directly with this office.

Respectfully submitted,


John Crigler

JC:cll
Enclosures

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

In the Application of)	
)	
PASADENA AREA COMMUNITY)	
COLLEGE DISTRICT)	FILE NO. BRED-20130729AJY
)	
FOR RENEWAL OF LICENSE)	
OF RADIO STATION KPCC)	
PASADENA, CALIFORNIA)	

To: Chief, Audio Division, Media Bureau

Opposition to Informal Objection

Pasadena Area Community College District (the "District"), licensee of noncommercial Radio Station KPCC(FM), Pasadena, California ("KPCC"), by its counsel and pursuant to Section 73.3584(b) of the Commission's Rules, hereby responds to an informal objection to the above-captioned application for a renewal of the broadcast license of KPCC.

In his "comment" on KPCC's performance as a licensee, Mr. Brad Leeger states that, although "in general the station fulfills it's [sic] purpose in serving the public through news and a variety of programs," he is disappointed with three aspects of its operation and policy:

- (1) KPCC declined to air a Public Service Announcement ("PSA") he proposed.
- (2) The station excessively promotes itself.
- (3) The station should take a more "balanced" approach on political and moral issues.

Although the District welcomes Mr. Leeger's comment in the spirit of constructive criticism, his comment should not prevent grant of KPCC's renewal application.

In evaluating an application for license renewal, the Commission is governed by Section 309(k) of the Communications Act.¹ That Section provides that if, upon consideration of the application and pleadings or comments related to the application, the Commission finds that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Communications Act or the FCC's Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, the Commission shall grant the application.²

The FCC's role in overseeing program content is limited. The First Amendment to the United States Constitution and Section 326 of the Communications Act³ prohibit the FCC from interfering with the rights of a broadcast station to choose, in good faith, the programming it believes will serve the needs and interests of its audience.⁴ The FCC does not substitute its editorial judgment for that of the licensee.⁵ The FCC's role with respect to public broadcasting is particularly restrained. The FCC has historically limited itself to "facilitating the development of the public broadcasting system rather than determining the content of its programming."⁶ KPCC's decisions to air or not air a particular PSA, to promote itself to listeners,⁷ and to strike

¹ 47 U.S.C. § 309(k).

² 47 U.S.C. § 309(k)(1), as amended by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-10, 110 Stat. 56 (1996).

³ 47 U.S.C. § 326.

⁴ See e.g. *License Renewal Applications of Certain Commercial Radio Stations Serving Philadelphia, Pennsylvania*, 8 FCC Rcd 6400 (1993) (citations omitted).

⁵ See *FCC v. WNCN Listeners Guild*, 450 U.S. 582 (1981).

⁶ *Revision of Programming Policies and Reporting Requirements Related to Public Broadcasting Licensees*, 87 FCC 2d 716, 732 (1981).

⁷ 47 U.S.C. § 399B prohibits noncommercial stations from airing an "advertisement" on behalf of for-profit entities, political candidates or persons who wish to express a view on a matter of public importance or interest, but nothing in the Communications Act or the FCC's Rules prohibits a station from promoting itself or its programming.

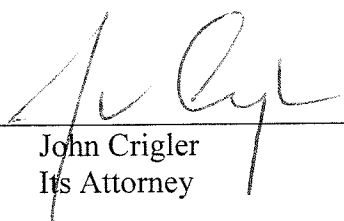
the appropriate moral or political “balance” in its programs are matters entirely within the editorial discretion protected by the First Amendment.

Mr. Leeger does not allege that KPCC failed to serve the public interest, has violated the Communications Act or any FCC Rules, or has engaged in any pattern of abuse. Indeed, he acknowledges that “in general, the station fulfills its public interest obligations.”

Accordingly, the Commission should promptly grant the KPCC renewal application.

Respectfully submitted,

Pasadena Area Community College District

By: 
John Crigler
Its Attorney

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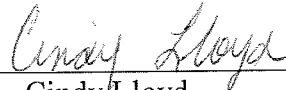
Certificate of Service

The undersigned, an employee of Garvey Schubert Barer, hereby certifies that a copy of the foregoing "Opposition to Informal Objection" was served this date, by U.S. Postal Service First Class mail, postage prepaid, or *hand-delivered, upon the following:

Peter H. Doyle, Esq. *
Chief, Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Mr. Brad Leeger
1594 N. Allen Av. #21
Pasadena, CA 91104

*Denotes service to the FCC's Washington, D.C. filing location.



Cindy Lloyd

December 6, 2013