

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

In the Matter of	)	
	)	
Reclassification of License of	)	
Class A Television Stations	)	Facility ID Nos. 57370 and 57368
K42BR and K48BL	)	
Terrebonne-Bend, Oregon	)	

**ORDER**

**Adopted: May 31, 2012**

**Released: June 1, 2012**

By the Chief, Video Division, Media Bureau:

1. This is with respect to stations K42BR and K48BL, Terrebonne-Bend, Oregon, licensed to Rodney S. Johnson (“Johnson”). These stations are currently licensed as Class A television stations, which are accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 (“CBPA”).<sup>1</sup>

2. By letters dated March 25, 2011 and February 10, 2012, the Video Division of the Media Bureau requested information from Johnson regarding his apparent failure to make the required filing of quarterly FCC Form 398 (Children’s Television Programming Report) for the stations for all four quarters in 2006, 2007, 2008, 2009 and 2010.<sup>2</sup> Both letters required that the information be provided within 30 days of the date of the letter and cautioned that failure to provide the information could result in a change of the stations’ status from Class A television to low power television. Johnson failed to respond to the Video Division’s letters or to file the required Children’s Television Programming Reports. Accordingly, pursuant to Section 316(a) of the Communications Act of 1934, as amended,<sup>3</sup> the Video Division issued an *Order to Show Cause* why the licenses for K42BR and K48BL should not be modified to specify the stations as low power television stations.<sup>4</sup>

3. Johnson was afforded until May 7, 2012, to file a written statement why his licenses should not be so modified and was also notified that if no written statement was filed by that date, he would be deemed to have consented to the modification of the K42BR and K48BL licenses from Class A television status to low power television status. Johnson did not file a written statement in response to the *Order to Show Cause*, and, therefore, we deem him to have accepted the modification of the K42BR and

<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. Beginning on the date of its application for Class A license and thereafter, the CBPA requires that a station must be “in compliance with the Commission’s operating rules for full-power television stations.” 47 U.S.C. § 336(f)(2)(A)(ii); *see also In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000), Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8254-56 (2001); 47 C.F.R. §§ 73.6001, 73.6026. K42BR and K48BL were granted Class A television status in 2001 and 2002, respectively.

<sup>2</sup> *See* 47 C.F.R. §§ 73.671, 73.3526 and 73.6026.

<sup>3</sup> 47 U.S.C. § 316(a).

<sup>4</sup> *Reclassification of License of Class A Television Stations K42BR and K48BL, Terrebonne-Bend, Oregon, Order to Show Cause*, DA 12-534 (Vid. Div. rel. April 3, 2012). In addition to the period covering 2006 through 2010, the *Order to Show Cause* noted that Johnson had also failed to file Children’s Television Programming Reports for all four quarters of 2011.

K48BL licenses to low power television status.<sup>5</sup> Further, because Johnson failed to file Children's Television Programming Reports (FCC Form 398) for the period 2006 through 2011 and has neither responded to the Video Division's two letters regarding this failure nor to the *Order to Show Cause*, we find that he has not fulfilled his obligations as a Class A licensee and that the modification of his Class A licenses to low power television licenses therefore serves the public interest.

4. IT IS THEREFORE ORDERED, pursuant to Sections 4(i), 316, and 332(f)(2)(A)(ii) of the Communications Act, 47 U.S.C. §§ 154(i), 316, 332(f)(2)(A)(ii), and Sections 1.87, 73.6001, and 73.6026 of the Commission's rules, 47 C.F.R. §§ 1.87, 73.6001, 73.6026, that the licenses for stations K42BR and K48BL, Terrebonne-Bend, Oregon are modified from Class A television status to low power television status, effective as of this date.

5. IT IS FURTHER ORDERED, That a copy of this *Order* shall be sent by Certified Mail, Return Receipt Requested, to Rodney S. Johnson as indicated below:

Rodney S. Johnson  
9263 S. Copley Road  
Powell Butte, Oregon 97753

6. This action is taken pursuant to authority delegated by Sections 0.61 and 0.283 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>5</sup> 47 C.F.R. § 1.87(g)(1), (h) (Absent good cause shown, the right to file a protest or have a hearing is waived if licensee does not file a timely protest or statement of intent to appear at a hearing, and "[w]here the right to file a protest or have a hearing is waived, the licensee . . . will be deemed to have consented to the modification as proposed and a final decision may be issued by the Commission accordingly.").