



Federal Communications Commission  
Washington, D.C. 20554

June 14, 2024

**DA 24-570**

**Released: June 14, 2024**

Byrne Acquisition Group, LLC  
2927 Devine St.  
Ste. 100  
Columbia, SC 29205

Re: W30CV-D, Hilton Head Island, SC  
Facility ID No. 67140  
FRN: 0024880726  
LMS File No. 0000119483

Dear Licensee:

This letter is in reference to the license renewal application (Application) for Class A television station W30CV-D, Hilton Head Island, South Carolina (Station), which is licensed to Byrne Acquisition Group, LLC (Licensee).<sup>1</sup> As discussed below, we hereby admonish the Licensee for its failure to include non-discriminatory language in the Station's advertising sales agreements.<sup>2</sup>

In the *Promoting Diversification of Ownership in the Broadcast Services Report and Order*, the Commission required commercial TV and radio broadcasters to certify in their renewal applications that their advertising sales agreements contained nondiscrimination clauses.<sup>3</sup> On March 14, 2011, the Media Bureau issued a public notice revising FCC Form 303-S for both radio and television stations to include a certification asking licensees if they complied with this requirement.<sup>4</sup> The Public Notice stated that if a licensee certified "No" they "must attach an exhibit explaining the persons and matters involved and why the matter is not an impediment to grant the station's license renewal application."<sup>5</sup> On March 22, 2011, the Enforcement Bureau released an Enforcement Advisory reminding licensees of their obligation to certify on their renewal application that their advertising sales contracts do not discriminate on the basis of race or ethnicity and that such contracts contain non-discrimination clauses.<sup>6</sup>

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<sup>1</sup> Application of Byrne Acquisition Group, LLC for Renewal of License, LMS File No. 000052046 (filed Feb. 1, 2021) (Application).

<sup>2</sup> Application at Non-Discriminatory Advertising Sales Agreements Certification, Attach. W30CV-D – License Renewal Application Exhibit.

<sup>3</sup> *Promoting Diversification of Ownership in the Broadcasting Services*, Report and Order and Third Further Notice of Proposed Rulemaking, 23 FCC Rcd 5922, 5941, para. 49 (2008).

<sup>4</sup> *Media Bureau Announces Revisions to License Renewal Procedures and Form 303-S; Radio License Renewal Cycle to Commence on May 2, 2011*, Public Notice, 26 FCC Rcd 3809, 3810 (MB 2011). *See also Media Bureau Announces Procedures for 2020-2023 Television License Renewal Cycle*, Public Notice 35 FCC Rcd 3656 (MB 2020) (announcing availability of the revised license renewal form – Form 2100, Schedule 303-S – which maintained the certification relating to non-discrimination clauses in joint sales agreements).

<sup>5</sup> *Id.*

<sup>6</sup> *See FCC Enforcement Advisory, Non-Discrimination in Broadcast Advertising*, Public Notice, 26 FCC Rcd 3875 (EB 2011).

In its Application, the Licensee responded “No” to the certification stating: “Commercial licensee certifies that its advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain non-discrimination clauses.”<sup>7</sup> The Licensee provided an attachment to its Application explaining “there have been occasions during the license term when the Licensee has used written agreements, and... did not always contain non-discrimination clauses. To the extent the Licensee does currently use a standard written agreement, such agreement does contain such a clause.”<sup>8</sup>

While the Licensee certified “No” in its Application, there has been no evidence presented to the Commission that the Licensee or the Station has engaged in discriminatory behavior with regards to its advertising. We therefore conclude that the Licensee’s failure to include non-discrimination clauses in the Station’s advertising sales agreements does not warrant a monetary forfeiture. However, future failures to include non-discrimination clauses in advertising sales agreements may result in more severe sanction, including the assessment of monetary forfeiture or downgrade to low power television status.

Accordingly, **IT IS ORDERED** that, the application for renewal of license of W30CV-D, Hilton Head Island, South Carolina **IS GRANTED** and Byrne Acquisition Group, LLC **IS ADMONISHED**.<sup>9</sup> **IT IS FURTHER ORDERED**, that copies of this Letter shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Byrne Acquisition Group, LLC, 2927 Devine St., Ste. 100, Columbia, SC 29205, and e-mail at [jbyrne@whhitv.com](mailto:jbyrne@whhitv.com). In addition, a copy of this letter shall be sent to its counsel, Timothy Nelson, esq., via e-mail at [tnelson@brookspierce.com](mailto:tnelson@brookspierce.com).

Sincerely,

/s/

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>7</sup> Application at Non-Discriminatory Advertising Sales Agreements Certification.

<sup>8</sup> Application at Attach. W30CV-D – License Renewal Application Exhibit.

<sup>9</sup> Pursuant to section 73.3526(e)(10), 47 CFR § 73.3526(10), the Licensee shall place, within ten (10) calendar days of the release date, a copy of this letter in the Stations’ online public inspection file (OPIF) and that copy must be retained until grant of the Stations’ next license renewal application. The letter must be placed in the OPIF folder entitled “FCC Investigations or Complaints.”