



FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Investigations and Hearings Division
445 12th Street, S.W., Suite 4-C330
Washington, D.C. 20554

October 18, 2012

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND BY FACSIMILE (607) 797-6211

WBNG License, Inc.
c/o Granite Broadcasting Corporation
767 Third Avenue
34th Floor
New York, New York 10017

Re: Station WBNG-TV, Binghamton, New York
File No. EB-11-IH-1192

Dear Licensee:

The Enforcement Bureau is investigating potential violations of Sections 317 and 507 of the Communications Act of 1934, as amended (Act), and Section 73.1212(a) and (d) of the Commission's rules by WBNG License, Inc. (Licensee), licensee of Station WBNG-TV, Binghamton, New York (Station).¹ Specifically, the Bureau has received the enclosed redacted complaint alleging that Station WBNG-TV aired "Marcellus Shale Voices/Gas Odyssey" (hereinafter also referred to as "Program Material") on or about September 14, 2010, without providing a sponsorship identification announcement at the time the Program Material was aired.² The complainant supplemented the Complaint by submitting a purportedly unedited recording of the Program Material allegedly aired on the Station.³ In the recording submitted by the complainant, an individual identified in the Program Material as Aaron Price appears and is identified by an on-screen graphic as the Director of the Program Material. The complainant's affidavit alleges that individuals identified in the Program Material as Bob Williams and Julie Lewis appeared with Mr. Price on the Broadcast without disclosing their financial interests in the gas industry which allegedly sponsored the Program Material. Bob Williams is identified in the Program Material by an on-screen graphic as an Environmental Consultant. Julie Lewis is identified in the Program Material by an on-screen graphic as a Photographer, Vestal, New York, and Aaron Price states during the Program Material that he met her at a hearing in Chenango Bridge, New York. A redacted copy of the supplemental letter and affidavit and a copy of the complainant's recording are also enclosed.

¹ 47 U.S.C. §§ 317, 508; 47 C.F.R. § 73.1212.

² Complaint, Form 2000E, 10-C00246669-1 (Sept. 14, 2010) (on file in EB-11-IH-1192) (Complaint).

³ Affidavit from Complainant to Arthur Scrutchins, Attorney Advisor, Consumer Policy Division, Consumer & Governmental Affairs Bureau, Federal Communications Commission (filed July 19, 2011, in EB-11-IH-1192).

The Instructions for responding to this letter and the Definitions for certain terms used in this letter are contained in the attachment hereto. We direct the Licensee, pursuant to Sections 4(i), 4(j), 308(b), and 403 of the Act,⁴ to provide the information and Documents specified below within thirty (30) calendar days from the date of this letter. **Requests for confidential treatment or claims of attorney-client privilege or attorney work product must meet the requirements stated in the attached Instructions.**

Unless otherwise indicated, the period of time covered by these inquiries is January 1, 2010, to the present.

Documents and Information to be Provided

1. State whether the Licensee Broadcast the Program Material on September 14, 2010, or any other date. If the answer is, "yes," answer the remaining Inquiries. If the answer is "no," fully explain the basis for such answer.
2. As to the Program Material:
 - a. State the date(s) and time(s) that the Licensee Broadcast such Program Material, and fully describe the Broadcast during which the Program Material aired.
 - b. For each date that the Program Material aired, provide a DVD or a VHS videocassette tape. Clearly label each recording provided with the file number referenced above and the date and time the Program Material was Broadcast.
 - c. Provide a written transcript of each Broadcast of the Program Material.
 - d. If the Licensee cannot provide a recording and/or transcript of the Program Material, state whether the recording submitted by the complainant is complete and accurate, and fully describe omitted portions, if any, of the recording.
3. State whether the Licensee identified the Program Material as sponsored, and if so, the manner in which that identification took place. If the Licensee provided a sponsorship identification announcement at the time of the Broadcast(s) of the Program Material, provide a DVD or VHS videocassette tape for each Broadcast of such announcement. Clearly label each recording provided with the file number referenced above and the date and time the sponsorship identification announcement was Broadcast
4. Identify the producer of the Program Material, and if the Licensee produced the Program Material, provide a full explanation and all Documents relating to the production of the Program Material.
5. State whether the Licensee paid or promised Consideration for the Program Material, and fully describe the nature of the Consideration, including whether the Licensee acquired the Program Material on a Barter basis, and if so, from whom. Provide all Documents relating to the Licensee's acquisition of the Program Material.

⁴ 47 U.S.C. §§ 154(i), 154(j), 308(b), 403.

6. If the answer to Inquiry 5, above, is “no,” state whether the Licensee was promised or charged or accepted Consideration in exchange for the Broadcast of the Program Material, and if so, provide a full explanation as to the nature of the Consideration and from whom the Licensee received or was promised such Consideration. Provide all Documents relating to a promise of Consideration to the Licensee in exchange for the Broadcast of the Program Material and/or to the Licensee’s acceptance of Consideration in exchange for the Broadcast of the Program Material.
7. If the answer to Inquiry 6, above, is “no,” then fully explain how and from whom the Licensee obtained the Program Material, including a full explanation as to whether and if so, how, the Licensee received the Program Material at no charge. Provide all Documents relating to the Licensee’s acquisition of the Program Material.
8. Identify Aaron Price, the individual referenced above as the Director of the Program Material, and provide a full explanation and Documents relating to Aaron Price’s participation in the Program Material, including the following:
 - a. State whether Aaron Price accepted or agreed to accept Consideration, and if so, from whom to appear on the Broadcast in which the Program Material aired.
 - b. State whether Aaron Price paid or promised Consideration to the Licensee relating to the Program Material.
 - c. State whether Aaron Price’s appearance on the Broadcast in which the Program Material aired was provided as an inducement for Broadcasting the Program Material.
9. Identify Julie Lewis, an individual referenced above who appeared in the Program Material, and provide a full explanation and Documents relating to Julie Lewis’ participation in the Program Material, including the following:
 - a. State whether Julie Lewis accepted or agreed to accept Consideration and if so, from whom to appear on the Broadcast in which the Program Material aired.
 - b. State whether Julie Lewis paid or promised Consideration to the Licensee relating to the Program Material.
 - c. State whether Julie Lewis’s appearance on the Broadcast in which the Program Material aired was provided as an inducement for Broadcasting the Program Material.
10. Identify Bob Williams, an individual referenced above who appeared in the Program Material, and provide a full explanation and Documents relating to Bob Williams’ participation in the Program Material, including the following:
 - a. State whether Bob Williams accepted or agreed to accept Consideration and if so, from whom to appear on the Broadcast in which the Program Material aired.
 - b. State whether Bob Williams paid or promised Consideration to the Licensee relating to the Program Material.

- c. State whether Bob Williams's appearance on the Broadcast in which the Program Material aired was provided as an inducement for Broadcasting the Program Material.
11. State whether the Licensee was aware of or had any reason to believe that any individual involved in the production of the Program Material paid or promised and/or charged or accepted Consideration for the inclusion of Program Material during the Broadcast.
12. Describe the steps, if any, that the Licensee took to determine whether the Program Material constituted Political Broadcast Matter or a Controversial Issue of Public Importance.
13. Describe the steps, if any, that the Licensee took to determine whether the Program Material required sponsorship identification, and the information the Licensee learned through taking any such steps.
14. Describe any inaccuracies in the Complaint.
15. Provide a copy of all written policies and directives of the Licensee relating to the Licensee's compliance with Sections 317 and 507 of the Communications Act and Section 73.1212 of the Commission's rules.
16. Provide copies of all Documents that provide the basis for or otherwise relate to the Licensee's responses to Inquiries 1-15, above.
17. To the extent not otherwise provided in response to the preceding Inquiries, provide any additional information that the Licensee believes may be helpful in our consideration and resolution of this matter.

Filing Requirements

We direct the Licensee to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Licensee with personal knowledge of the representations provided in the Licensee's response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter that are in the Licensee's possession, custody, control or knowledge have been produced. If multiple Licensee employees contribute to the response, and/or if the authorized officer of the company (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, then in addition to such general affidavit or declaration of the authorized officer of the company noted above, the Licensee must provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with Section 1.16 of the Commission's rules,⁵ and be substantially in the form set forth therein.

To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.⁶ Failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act and our rules.⁷

⁵ 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001. *See also* 47 C.F.R. § 1.17.

The Licensee shall direct its response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554, to the attention of Melanie A. Godschall, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Anjali K. Singh, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Melanie A. Godschall, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C330, Washington, D.C. 20554, with a copy to Anjali K. Singh, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C330, Washington, D.C. 20554. The Licensee shall also, to the extent practicable, transmit a copy of the response via email to Melanie.Godschall@fcc.gov and to Anjali.Singh@fcc.gov.

Sincerely,



Anjali K. Singh
Assistant Chief
Investigations and Hearings Division
Enforcement Bureau

Attachment
Enclosures

⁷ *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589 (2002); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, 19898 n.36 (2003); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (Enf. Bur. 2004); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (Enf. Bur. 2003).

ATTACHMENT

Instructions

Request for Confidential Treatment. If the Licensee requests that any information or Documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and Documents, a statement in accordance with Section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of Section 0.459, including the standards of specificity mandated by Section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of Documents, and casual requests, including simply stamping pages "confidential," are unacceptable. Pursuant to Section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of Section 0.459.

Claims of Privilege. If the Licensee withholds any information or Documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item: the numbered inquiry to which each item responds and the type, title, specific subject matter and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Format of Responses. The response must be organized in the same manner as the questions asked, *i.e.*, the response to Inquiry 1 should be labeled as responsive to Inquiry 1.

Method of Producing Documents. Each requested Document, as defined herein, shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be submitted.

Identification of Documents. For each Document or statement submitted in response to the inquiries stated in the cover letter, indicate, by number, to which inquiry it is responsive and identify the person (s) from whose files the Document was retrieved. If any Document is not dated, state the date on which it was prepared. If any Document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). The Licensee must identify with reasonable specificity all Documents provided in response to these inquiries.

Documents No Longer Available. If a Document responsive to any inquiry made herein existed but is no longer available, or if the Licensee is unable for any reason to produce a Document responsive to any inquiry, identify each such Document by author, recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why the Licensee is otherwise unable to produce it.

Retention of Original Documents. With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, the Licensee is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless: (a) the Licensee is directed or informed by the Enforcement Bureau in writing to retain such Documents for some shorter or longer period of time; or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, the Licensee must retain all such

Documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau. In accordance with *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, para. 74 (2012), unless and until otherwise instructed by the Commission, the Enforcement Bureau or their representatives, we hereby direct that the Licensee shall not place in its public file or upload to its online public file this letter, any supplements thereto, or any other correspondence from the Commission concerning this investigation, materials related to such inquiries, Licensee responses to these Commission inquiries, or any Documents in connection with such responses not otherwise required to be placed in the public file or uploaded to the online public file.

Continuing Nature of Inquiries. The specific inquiries made herein are continuing in nature. The Licensee is required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, the Licensee must supplement its responses: (a) if the Licensee learns that, in some material respect, the Documents and information initially disclosed were incomplete or incorrect; or (b) if additional responsive Documents or information are acquired by or become known to the Licensee after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless: (a) the Licensee is directed or informed by the Enforcement Bureau in writing that the Licensee's obligation to update the record will continue for some shorter or longer period of time; or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the matter has been finally concluded by payment of any such monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

Construction. As used herein, the word "any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

Definitions

For purposes of this letter, the following definitions apply:

"Barter," when used as a noun, shall mean an arrangement by which the Licensee or Station purchased the Program Material, including but not limited to, a network affiliation agreement, or other arrangement in which the Program Material was provided to the Licensee or Station in exchange for use of some or all of the Station's advertising airtime during the Program Material.

"Broadcast," when used as noun, shall mean images or sounds or language transmitted or disseminated over a station during the course of a radio or television broadcast.

"Broadcast," when used as a verb, shall mean the transmission or dissemination of radio or television communications intended to be received by the public. The verb "broadcast" may be used interchangeably with the verb "air."

“Consideration” shall mean anything of value, including, but not limited to, cash, checks, salary, fees, commissions, management fees, consulting fees, honoraria, per diem allowance, payment of third-party invoices, travel and/or hotel expenses, meals, gifts, bonus, services, and/or any other thing of value, from any source, or given by third parties, to another.

“Controversial Matter of Public Importance” shall mean program material involving the discussion of any controversial issue as set forth in Section 317 of the Act, 47 U.S.C. § 317(a)(2), and in Section 73.1212(d) of the Commission’s rules, 47 C.F.R. § 73.1212(d).

“Document” shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any broadcast, radio program, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tape, disks and such codes or instructions as will transform such computer materials into easily understandable form).

“Identify,” when used with reference to an individual or individuals, shall mean to state his/her full legal name, job title (if any), current business address, business phone number, and e-mail address. If business address, telephone number, and/or e-mail address are not available, state the individual’s home address, telephone number, and e-mail address.

“Identify,” when used with reference to a Document, shall mean to state the date, author, addressee, type of Document (*e.g.*, the types of Document, as described above), a brief description of the subject matter, its present or last known location, and its custodian.

“Identify,” when used with reference to an entity other than an individual, shall mean to state its name, current or last known business address, and current or last known business telephone number.

“Licensee” shall mean WBNG License, Inc. and any predecessor-in-interest, parent company, wholly or partially owned or controlled subsidiary, other company or business under common ownership or control, and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other individuals working for or on behalf of the foregoing at any time during the period covered by this letter.

“Station” shall mean Station WBNG-TV, Binghamton, New York.

“Political Broadcast Matter” shall mean political program material defined in 47 U.S.C. § 317(a)(2) and 47 C.F.R. § 73.1212(d) of the Commission’s rules.

“Program Material” shall mean any portion of the documentary “Marcellus Shale Voices” or “Gas Odyssey,” or material known by some other title and relating to the development of natural gas from the Marcellus Shale in the Southern Tier of New York and Susquehanna County, Pennsylvania.

Form 2000E – Media (General) Complaint

Consumer's Information:

First Name: [REDACTED] Last Name: [REDACTED]

Company Name: [REDACTED]

(Complete only if you are filing this complaint on behalf of a company or an organization.)

Post Office Box Number: [REDACTED]

(Official Post Office box Number Only)

Address 1: [REDACTED] Address 2: [REDACTED]
Mailing Address (where mail is delivered)

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Telephone Number (Residential or Business): Phone: [REDACTED]

E-mail Address: [REDACTED]

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

1. What is the name of the company that is the subject of your complaint? : **Granite Broadcasting / WBNG**

2. If your complaint is about a radio or television station, provide the following information:
 - a. Station call sign (e.g., "KDID," "WZUF," "KDIU-FM," "WZUE-TV"): **WBNG-TV**
 - b. Radio station frequency (e.g., "1020" or "88.5"):
or TV channel (e.g., "13"): **12**
 - c. Station location: City: **Johnson City**, State: **NY**

3. If you are complaining about a cable or satellite operator (e.g., Comcast, Time Warner, DirecTV), provide the following information:
 - a. Operator name:
 - b. Operator location: City: State:

4. If you are complaining about a particular program, provide the following information:
 - a. Network:
 - b. Program name: **"Marcellus Shale Voices"**
 - c. Date of program (mm/dd/yyyy): **09/14/2010 19:00:00:PM**

5. Provide the details of your complaint, including the time, date and nature of any conduct or activity complained of and identifying information for companies, institutions or individuals involved (if not

Form 2000E – Media (General) Complaint

*** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT ***

already described above):

a. Date (mm/dd/yyyy):

b. I am appalled by "Marcellus Shale Voices" which aired tonight on WBNG 9/14/2010. It was one-sided, and contained misleading and false information.

This was clearly funded by the gas industry, however the sponsor was not identified in violation of 47 CFR § 73.1212.

Furthermore, it was disguised as a public affairs show. Viewers will recognize that it was shot at the WBNG studios and has the look of a news segment.

Under the 1934 Comm. Act, Granite Broadcasting has an obligation to serve the public interest. This program failed to do so.

Shale Gas extraction poses great threats to the water supply of millions of people in New York, as well as causing harms to our air, roads, and causing many other quality of life issues, such as noise and light pollution.

WBNG owes it to this community to give equal airtime to all of the facts on this critically important issue.

I am urging the FCC to investigate this incident, and if necessary, issue sanctions to WBNG and

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to fccinfo@fcc.gov, by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Complaints
445 12th Street, SW
Washington, D.C. 20554

In addition, you may submit your complaint over the telephone by calling 1-888-CALL-FCC or 1-888-TELL-FCC (TTY). If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 1-888-CALL-FCC or 1-888-TELL-FCC (TTY).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve media (general). The public reporting for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PER, Paperwork Reduction Project (3060-0874), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0874.

Form 2000E – Media (General) Complaint

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

In addition, the information that consumers provide when filling out FCC Form 2000 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 et seq.

Under this system of records notice, FCC/CGB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice is available for public inspection after redaction of information that could identify the complainant or correspondent, i.e., name, address and/or telephone number.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).

EB-11-1H-1192

To: Arthur Scrutchins, Federal Communications Commission
From: [REDACTED]
Date: July 9, 2011

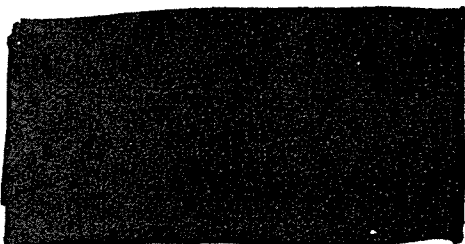
AFFIDAVIT

I, [REDACTED] am sending an unedited copy of the program "Marcellus Shale Voices" as it aired on WBNG in Binghamton NY on Sept 14 2010 at 7pm, as part of my complaint 10-C00246669.

This program was deceptive in several ways:

- 1: The program was promoted during WBNG's nightly news broadcast as an "informational" program, and not as a paid program.
- 2: The second half was recorded in WBNG's studio, which is often used for public affairs segments during the news programs, which may lead viewers to think this is an public-service information program, and not a paid program (commercial, public relations).
- 3: The guests Bob Williams and Julie Lewis have financial interests to the gas industry which were not disclosed. This is fraudulent and deceptive.
- 4: The sponsorship identification was not given, in violation of federal law 47 USC § 317, and also FCC rules 47 CFR § 73.1212(a)(1) to (2).

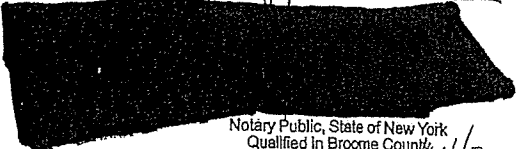
The above are true statements as I understand the facts.



us passport copy



Sworn before me this
15th day of July 2011
Personally appeared



Notary Public, State of New York
Qualified in Broome County
My Commission Expires 6/24/2011
7/9/2011 1:34 PM

2011-12-19 10:10:10

Received & Inspected

JUL 19 2011

FCC Mail Room