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January 21, 2010

## VIA ELECTRONIC MAIL

Guy Benson  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Station WUSA(TV), Washington, D.C.  
File No. EB-06-IH-1363

Dear Guy:

Thank you again for speaking with me earlier this week regarding the Enforcement Bureau's Letter of Inquiry (the "LOI") in the case referenced above, which was issued to our client Detroit Free Press, Inc., the licensee of station WUSA(TV), Washington, D.C. ("WUSA"). As we discussed, I am writing to request that the Bureau grant WUSA flexibility in connection with its response to the LOI.

**Background.** The LOI focused on certain public service and charity campaigns conducted by WUSA and other Washington, D.C. television stations, which were discussed in a 2005 *Washington Post* article, and raised questions about whether these campaigns complied with the Commission's sponsorship identification rules. As you may know, WUSA has conducted a wide range of charitable campaigns over the past several years—including both campaigns conducted by WUSA on its own and campaigns conducted with other local co-sponsors. WUSA's charitable initiatives have focused on collecting toys and school supplies for underprivileged children, increasing physical fitness, breast cancer prevention, and other issues.

Although the purpose of each campaign differs, the basic structure of WUSA's relationship with its co-sponsors is consistent across campaigns, and that relationship is fully compliant with the Commission's sponsorship identification rules. For instance, for many years WUSA has conducted a campaign called "Toy Drive 9" in which it partners with local businesses (most recently SunTrust Bank and RCN Cable) and with local fire departments to collect toys for the Marine Corps Reserves' Toys for Tots program. Co-sponsors provide in-kind support for the charity program, such as serving as a drop-off location and providing manpower to collect and deliver the toys to the Marine Corps Reserves. (This past year, virtually all of the area's fire departments, along with SunTrust and RCN, served as drop-off points.) It would be

impossible for these campaigns to succeed without sponsors that can provide 100-plus drop-off points, given the geographic size of the Washington, D.C./Maryland/Virginia community. In addition, each co-sponsor works to promote the initiative by encouraging its customers to participate; WUSA does so in public contact events and by announcing its initiatives in newscasts and other on-air messaging. WUSA also shares the cost of on-air promos that air during commercial breaks with the other co-sponsors; that is, WUSA's co-sponsors pay for the cost of promos to announce the drive, and WUSA airs a schedule of additional announcements.

As WUSA will detail more fully in its response to the LOI, other than the in-kind support and paid announcements described above, WUSA receives no consideration from any of its co-sponsors in connection with these campaigns. *It has never contracted with or promised a charity co-sponsor mentions in its newscasts, favorable reporting, or similar benefits.* When it does refer to a co-sponsor in a news story, WUSA routinely refers to that party as a "sponsor" or "co-sponsor" to make the nature of the relationship clear to viewers even though *no consideration is paid or promised* in connection with WUSA's *bona fide* news coverage of its charitable endeavors. Other than a schedule setting forth the on-air announcements for which each co-sponsor will pay, there is never a written contract for news coverage or other understanding relating to news coverage between WUSA and any co-sponsor.

Additionally, while various WUSA personnel collaborate in deciding which charitable projects the station will undertake, WUSA is careful to institute controls to ensure that sales considerations do not influence news coverage. This separation between news and sales is an essential part of WUSA's culture, and it is consistently reinforced in connection with charitable projects and in staff training more generally. For instance, sales staff are responsible for scheduling and invoicing announcements promoting the station's charity drives, but they have no input into the news coverage that the station provides for its initiatives. Conversely, news personnel do not know in advance which paid announcements are scheduled to air or what proportion of those announcements are paid for by WUSA or by particular sponsors. Instead, they are instructed to provide WUSA's charitable campaigns with the news coverage that they believe, in the exercise of their independent journalistic judgment, is appropriate.

**Scope of the LOI.** The complaint apparently was filed on December 23, 2005, but it was never served on WUSA. WUSA's first notice of the 2005 complaint occurred when it received the LOI that was sent by the FCC on January 6, 2010. The LOI requests that WUSA submit a range of documents relating to "any public service or charity drive sponsored and/or promoted by WUSA as described in the . . . Washington Post articles [attached to the LOI], or anything similar" relating not only to the 2005 matter that is the subject of the complaint, but for any campaign that occurred during the five years between the time the was filed at the FCC and the time the LOI was sent to WUSA. After receiving the LOI, WUSA conducted a thorough internal review of the matters raised in the LOI as well as an audit of the documents in its possession that may be responsive to the LOI. Based on this analysis, WUSA has determined that the response, as currently demanded, would require disclosure of thousands of documents, some of which are confidential, hundreds of hours of staff time, and significant outside counsel

fees. It also has concluded that it would be impossible to respond fully to the LOI within the time period allowed.

Although WUSA regularly conducts public service campaigns like the campaigns addressed by the LOI, it does not have a comprehensive list of such campaigns, and it would involve a substantial amount of research for WUSA to confirm that it had prepared an exhaustive list of every charitable initiative it undertook during the past five years. It also would be difficult for WUSA to determine which of these initiatives falls within the scope of the LOI, and it would be nearly impossible for WUSA to list all of the charitable endeavors that WUSA did not conduct but could be deemed to have "promoted" through on-air announcements, news coverage, or participation in public contact events.

Likewise, any records maintained by WUSA in connection with these initiatives would be scattered across the files of dozens of employees, and without conducting an exhaustive review of all of these employees' files WUSA cannot be certain that it has produced all of the relevant documents.

WUSA's response to the LOI is further complicated by a change in its traffic scheduling system that occurred during the period covered by the LOI, which may mean that records of commercial and promotional announcements aired using the previous system may not be available. Although WUSA does have some paper records of announcements from this time period, the records are not organized consistently, it is not clear whether they are complete, and station personnel in any case would be required to review five years of documents on a line-by-line basis to identify any responsive entries. Likewise, WUSA retains airchecks only for a limited period of time, meaning that it may not have records of most instances in which its charitable initiatives were mentioned in its newscasts.

**Relief Requested.** WUSA is proud of its community involvement and its partnerships with local governments and businesses on charitable matters, and it is confident that the Enforcement Bureau will conclude, after reviewing its response to the LOI, that its conduct of the charitable campaigns discussed in the complaint complied in all respects with the Commission's sponsorship identification rules.

Given that the predicate for the complaint—the 2005 campaigns discussed in the *Washington Post*—did not involve any violations of the FCC's rules, it is difficult to discern any public policy rationale for subjecting WUSA to a five-year discovery demand covering thousands of documents and hundreds of staff hours. Particularly in view of this conclusion and WUSA's history of compliance with the Commission's rules, WUSA believes that responding to the LOI as presently drafted would impose a substantial burden on its staff and ultimately would not reveal any violation of the Commission's rules.

In order to provide the Bureau with a basis for evaluating WUSA's compliance with the sponsorship identification rules in connection with the matters discussed in the *Washington Post* article, WUSA proposes that the Bureau limit the time period covered by the

LOI to the period between January 1, 2005 and December 31, 2005—roughly corresponding to the matters identified in the article—and allow WUSA to submit the following materials for Campaigns that WUSA conducted during that period: (1) a full response to the narrative questions in the LOI based on the information presently available to WUSA, including, to the best of WUSA's ability, a list of the Campaigns it conducted during the time period referenced in the complaint and any co-sponsors to those Campaigns; and (2) copies of all recorded announcements of such Campaigns from the period referenced in the complaint that remain in WUSA's possession or control. WUSA also would submit copies of any documents identified in its search that document any promise of news coverage to any sponsor, although, as described above, WUSA believes that no such documents exist.

If, after reviewing these materials, the Bureau believes that further information is required about WUSA's charitable campaigns, WUSA would provide that information. WUSA respectfully suggests, however, that a broader response at this stage would unduly burden both WUSA's and the Commission's scarce resources. Moreover, a broader response would be unlikely to change the outcome of the Bureau's investigation because the structure of WUSA's charitable campaigns has been consistent over the past five years, making it highly unlikely that the Bureau would find no violation as to WUSA's 2005 campaigns but that a violation existed during a later campaign.

If the Bureau declines to grant the relief requested here, WUSA respectfully requests a sixty-day extension of time to respond to the LOI in order to allow it an opportunity to conduct a reasonably thorough review of its business records and to ensure that it can submit a complete and accurate response to the LOI.

If you have any questions about this request or if we can provide any additional information, please do not hesitate to contact me.

Respectfully submitted,

  
Robert M. Sherman

*Counsel to Detroit Free Press, Inc.*

cc: Kenneth M. Scheibel, Jr., Assistant Chief, Investigations and Hearings Division  
Allan S. Horlick, Vice President and General Manager, WUSA  
Kurt A. Wimmer, Covington & Burling LLP

Date Stamp and Return  
Copy

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FEB - 5 2010

Federal Communications Commission  
Bureau / Office

February 5, 2010

**VIA HAND DELIVERY AND ELECTRONIC MAIL**

Kenneth M. Scheibel, Jr., Assistant Chief  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 4-C330  
Washington, D.C. 20554

Re: Station WUSA(TV), Washington, D.C.  
File No. EB-06-IH-1363

Dear Mr. Scheibel:

Detroit Free Press, Inc., licensee of Station WUSA(TV), Washington, D.C. ("WUSA" or the "Station"), hereby respectfully responds to the Enforcement Bureau's January 6, 2010 Letter of Inquiry (the "LOI") regarding certain public service and charity campaigns conducted by WUSA and other Washington, D.C. television stations, which were discussed in two 2005 *Washington Post* articles. The LOI seeks information about these campaigns and about their compliance with Sections 317 and 507 of the Communications Act of 1934, as amended, and Section 73.1212 of the Commission's rules (collectively, the "Sponsorship Identification Rules").

**I. BACKGROUND**

During 2005, WUSA conducted a wide range of charitable campaigns—including both campaigns conducted by WUSA on its own and campaigns conducted with other local co-sponsors. WUSA's charitable initiatives during this period focused on collecting toys and school supplies for underprivileged children, increasing physical fitness, breast cancer prevention, building homes for underprivileged individuals, feeding the hungry, and other critical social issues.

Although the purpose of each campaign differed, the basic structure of WUSA's relationship with its co-sponsors is consistent across campaigns, and that relationship is fully compliant with the Sponsorship Identification Rules. For instance, during 2005 WUSA conducted a campaign called "Toy Drive 9" in which it partnered with local businesses (during 2005, SunTrust Bank and Walmart) and with local fire departments to collect toys for the Marine Corps Reserves' Toys for Tots program.

Co-sponsors provide logistical support for each charity program, such as, in the case of "Toy Drive 9," serving as a drop-off location and providing manpower to collect and deliver the toys to the Marine Corps Reserves. (During 2005, virtually all of the area's fire departments, along with SunTrust and Walmart, served as drop-off points.) It would be impossible for these campaigns to succeed without sponsors that can provide 100-plus drop-off points, given the geographic size of the Washington, D.C./Maryland/Virginia community. In addition, each co-sponsor works to promote the initiative by encouraging its customers to participate; WUSA does so in public contact events and by announcing its initiatives in newscasts and other on-air messaging.

In some, but not all, of its charitable campaigns, WUSA shares the cost of on-air promos that air during commercial breaks with the other co-sponsors. In such instances, WUSA's co-sponsors pay for the cost of promos to announce the drive, and WUSA airs a schedule of additional announcements. In other instances, WUSA bears the cost of all on-air announcements and receives no payment for that airtime, but its partners provide logistical support for the charitable effort as described above.

Other than the logistical support and paid announcements described above, WUSA receives no consideration from any of its co-sponsors in connection with these campaigns. It has never contracted with or promised a charity co-sponsor mentions in its newscasts, favorable reporting, or similar benefits. When it does refer to a co-sponsor in a news story, WUSA routinely refers to that party as a "sponsor" or "co-sponsor" to make the nature of the relationship clear to viewers even though *no consideration is paid or promised* in connection with WUSA's *bona fide* news coverage of its charitable endeavors. Other than a schedule setting forth the on-air announcements during commercial breaks for which each co-sponsor will pay, there is never a written contract for news coverage or other understanding relating to news coverage between WUSA and any co-sponsor.

Additionally, while various WUSA personnel collaborate in deciding which charitable projects the station will undertake and how those projects will be conducted—and WUSA believes that this collaboration is both appropriate and beneficial—WUSA is careful to institute controls to ensure that sales considerations do not influence news coverage. This separation between news and sales is an essential part of WUSA's culture, and it is consistently reinforced in connection with charitable projects and in staff training more generally. For instance, sales staff are responsible for scheduling and invoicing announcements promoting the Station's charity drives, but they do not determine the news coverage that the Station provides for its initiatives. Conversely, news personnel do not know in advance which paid announcements are scheduled to air or what proportion of those announcements are paid for by WUSA or by particular sponsors. Instead, they are instructed to provide WUSA's charitable campaigns with the news coverage that they believe, in the exercise of their independent journalistic judgment, is appropriate.

## II. SCOPE OF THE STATION'S RESPONSE

As WUSA has advised the Commission, the Station routinely destroys or discards certain business records on a rolling basis, and therefore many of the Station's records relating to the Campaigns<sup>1</sup> are no longer available. For instance, WUSA ordinarily retains its airchecks for a period of two years or less, and it is no longer in possession of recordings of newscasts in which the Campaigns were mentioned. Likewise, WUSA changed the computerized traffic management system that it uses to schedule announcements during commercial breaks since 2005. Although WUSA has located and produced records from backups of the 2005 traffic system data and has otherwise conducted a reasonable search for responsive documents, it cannot be certain whether there were other documents that existed in 2005 but that were not found in the search it conducted in response to the LOI.

Notwithstanding the difficulties associated with identifying responsive materials, WUSA has conducted a reasonable search of its records and is producing what it believes to be all of the records within its possession or control that are responsive to the LOI.<sup>2</sup> These records include, for instance, scripts and recordings of on-air announcements regarding its Campaigns, internal e-mails relating to news coverage of the Campaigns, and copies of invoices sent to Campaign co-sponsors in connection with purchases of airtime for Campaign announcements. WUSA also is providing a declaration under penalty of perjury from its Vice President of Community Relations, Khalim Piankhi, who was the Station manager with primary responsibility to oversee most of the Campaigns during 2005.

As these materials and WUSA's response to the LOI illustrate, each of the Campaigns complied in all respects with the Sponsorship Identification Rules.

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<sup>1</sup> Capitalized terms not defined in this letter have the meanings ascribed to them in the LOI.

<sup>2</sup> By email on January 25, 2010, the Enforcement Bureau granted WUSA's request to modify the time period covered by the LOI "to include only the year 2005." The Bureau reserved the right to request additional information at a later date, and WUSA will provide such information in response to any further request.

### III. RESPONSES TO SPECIFIC INQUIRIES

As requested by the LOI, WUSA provides the following specific responses to the Enforcement Bureau's inquiries.

1. **Identify each Campaign conducted or promoted by WUSA since January 1, 2005, including, if applicable, those listed above.**

To the best of WUSA's knowledge, WUSA conducted the following Campaigns during 2005:

- January 2005-January 2006: "Buddy Check 9"

"Buddy Check 9" was designed to increase women viewers' awareness of breast cancer prevention by encouraging women to choose a "buddy" and to remind their "buddies" to conduct a breast self-examination at least once every month. As a part of "Buddy Check 9," WUSA shared stories of women whose lives were saved through early detection. The Station also launched an extensive Internet mini-site that provides additional information and links to other resources.

This Campaign was launched by WUSA news anchor Andrea Roane, herself a cancer survivor, and it has helped thousands of Washington, D.C.-area women since its inception in 1993. For her work on "Buddy Check 9" and other cancer awareness initiatives, Ms. Roane was named one of sixteen "Washingtonians of the Year" by *Washingtonian Magazine*.

- January 2005-January 2006: "Get T.U.F.F."

This Campaign featured a series of thirty-second announcements including tips on how parents could keep their children healthy and fit. WUSA also made announcements designed to help parents understand the dangers of being overweight. The Campaign also featured phone banks during newscasts with doctors from hospitals around the region as well as two free "fun walk" events on Saturdays and a series of news stories focused on the issue of childhood obesity.

- January-March 2005: "Lighten Up Washington"

"Lighten Up Washington" was launched by WUSA's news department as an effort to educate viewers on how to lose weight and how to maintain a healthy lifestyle. The Campaign focused on four teams battling their way to fitness in a healthy competition. Every Monday on the Station's "9 News at 9"



newscast, the Station checked in with a team leaders to illustrate the different approaches to fitness used by each team and to give viewers inspiration for their own fitness efforts. On Thursdays, "9 News at 9" interviewed viewers who shared their favorite healthy recipes. The Station also launched an extensive Internet mini-site with fitness and nutrition information and broadcast a schedule of public service announcements promoting the Campaign.

- March 2005: "*Harvest for the Hungry*"

WUSA conducted "Harvest for the Hungry," a Campaign in which it encouraged viewers to leave canned food donations by their mailboxes so that it could be delivered to needy Washington-area families. The Campaign was a partnership with the U.S. Postal Service, which collected the donations and delivered them to a centralized distribution point, and with Safeway, which allowed viewers to leave donations at local stores or to make donations at the check-out counter. During 2005, "Harvest for the Hungry" collected more than 575,000 pounds of food for local area feeding programs.

- June 2005: "*Race for the Cure*"

WUSA promoted and co-sponsored Washington's Race for the Cure, a charitable run conducted by the Susan G. Komen Breast Cancer Foundation. The Station's newscasts featured stories related to breast cancer awareness leading up to the Race and covered the race with a two-hour live news special on race day. More than 52,000 people attended the race and helped raise more than 2 million dollars.

- June 2005: "*Children's Miracle Network Telethon*"

In 2005, WUSA was the local Children's Miracle Network Telethon station. The Station's Children's Miracle Network Telethon broadcast featured vignettes on patients, doctors, and new procedures. The Station also broadcast live in-studio segments that were hosted by WUSA's on-air talent and featured Children's Miracle Network donors, volunteers, and families. WUSA's 2005 telethon helped raise 12 million dollars for Children's National Medical Center, making it the number one Children's Miracle Network Telethon station that year.

- June 2005: "*Celebrate Fairfax*"

WUSA was a 2005 sponsor of "Celebrate Fairfax," the region's largest community-wide county fair. "Celebrate Fairfax" is held annually at the

Fairfax County Government Center, and it attracts hundreds of thousands of visitors. As a part of its sponsorship, WUSA personnel staffed the event and broadcast on-air announcements encouraging viewers to attend.

- June 2005: *"Prostate Screening Awareness"*

The Washington region leads the nation in both the incidence of and death from prostate cancer. Through a series of promos, phone banks, and news stories, WUSA urged viewers to take advantage of free prostate screenings and to take charge of their health.

- July 2005: *"Habitat for Humanity Build-Out"*

WUSA partnered with D.C. Habitat for Humanity to build a 53-home development in northeast Washington, D.C. The initiative, which was conducted during "Family Homebuilding Week," encouraged viewers to join WUSA employees as volunteers constructing homes for individuals who could not afford them or to make donations to help pay for building materials. Today, thirty-nine families are living in the new homes, and six more homes are under construction.

- August 2005: *"School Supplies 9"*

In preparation for the upcoming school year, "School Supplies 9" collected school supplies, which were distributed to thousands of area youth whose families could not afford to purchase the supplies themselves. Through promos, interviews and news stories, WUSA urged viewers to donate school supplies. In 2005, the Station collected more than 24,000 pounds of supplies, which helped more than 33,000 children.

- September 2005: *"Hurricane Katrina Relief"*

In the aftermath of Hurricane Katrina, WUSA broadcast live and recorded announcements and news stories to raise awareness about the devastation that confronted residents of the Gulf Coast region. The Station encouraged viewers to donate to the Salvation Army and the American Red Cross to support relief efforts and to drop off donations of diapers, baby wipes, and water at local Safeway stores.

- September 2005: *"Walk for Literacy"*

This charity event benefited literacy programs supported by the University of the District of Columbia State Education Agency. More than \$25,000 was

raised as a result of a series of promos, phone banks, and news stories promoting the event and informing viewers of the literacy challenges affecting citizens in the Washington, D.C. region.

- October 2005: "GW MammoVan"

The Station broadcast announcements informing viewers about the importance of breast cancer screenings and the availability of the GW MammoVan, which is the Washington area's only mobile mammography service and is provided as a partnership between the Breast Care Center of the George Washington University Medical Center and the Cancer Research Foundation of America. The program has screened nearly 19,000 people in the region since its inception and more than 71 women have been diagnosed with breast cancer on the MammoVan.

- November 2005: "Food Drive 9"

As a part of its regular "Food Drive 9" initiative, WUSA encouraged viewers to donate food for the area's hungry. The program benefited the Capital Area Food Bank and other local feeding programs. Between 1995 and 2005, "Food Drive 9" has collected more than 4 million pounds of food for needy Washington-area residents; during 2005, the Campaign collected more than 850,000 pounds of food for the area's hungry.

- December 2005: "Toy Drive 9"

As described above, "Toy Drive 9" was an initiative to collect donations of toys for the Marine Corps Reserves' Toys for Tots program. Through the program, area residents could bring toy donations to local businesses, which would, in turn, collect them and bring them to a distribution point for the Marine Corps Reserves. The 2005 "Toy Drive 9" Campaign collected more than 294,000 toys, accounting for two-thirds of all toys collected for the Toys for Tots program in the Washington region.

In addition to these campaigns, WUSA may also have "promoted" certain other charitable events or initiatives, in which it did not participate directly, through news reports, community calendar announcements, or similar efforts. Given the passage of time, WUSA no longer has records of any such initiatives, if they existed, and they therefore have not been addressed in this response.

**2. For each Campaign reported in answer to Inquiry 1,  
Identify the sponsors of the Campaign.**

• January 2005-January 2006: "Buddy Check 9"

This Campaign was co-sponsored<sup>3</sup> by WUSA and the Northern Virginia Electric Cooperative.

The Northern Virginia Electric Cooperative's address is P.O. Box 2710, Manassas, Virginia, 20108-0875, and its business telephone number is 703-335-0500.

• January 2005-January 2006: "Get T.U.F.F."

This Campaign was co-sponsored by WUSA and the Children's National Medical Center.

Children's National Medical Center's business address is 111 Michigan Avenue, N.W., Washington, D.C., 20010, and its business telephone number is 202-476-3000.

• January-March 2005: "Lighten Up Washington"

This Campaign was co-sponsored by WUSA and Inova Health System.

Inova Health System's business address is 2990 Telestar Court, Falls Church, Virginia, 22042, and its business telephone number is 703-321-2999.

• March 2005: "Harvest for the Hungry"

This Campaign was co-sponsored by WUSA, the United States Postal Service, and Safeway.

The United States Postal Service's business address is 2 Massachusetts Avenue, N.W., Washington, D.C., 20002, and its business telephone number is 202-523-2022.

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<sup>3</sup> As used in this response, the terms "sponsor" and "co-sponsor" indicate that a particular entity was responsible for portions of the Campaign, but not necessarily that that entity paid the Station for airtime or otherwise. The Station's response to Inquiry 3 addresses situations in which the Station received money from a sponsor.

Safeway's business address is 4551 Forbes Road, Lanham, Maryland, 20706, and its business telephone number is 301-918-6500.

- June 2005: "*Race for the Cure*"

This Campaign was co-sponsored by WUSA, the Susan G. Komen Breast Cancer Foundation, the Washington Metropolitan Area Transit Authority, McDonald's, and Safeway.

The Susan G. Komen Breast Cancer Foundation's business address is 5005 LBJ Freeway, Suite 250, Dallas, Texas, 75244, and its business telephone number is 1-877-465-6636.

The business address for the Washington Metropolitan Area Transit Authority is 600 5th Street, N.W, Washington, D.C., 20001, and its business telephone number is 202-962-1234.

The business address for McDonald's is 2111 McDonald's Drive, Oak Park, Illinois, 60523, and its business telephone number is 1-800-244-6227.

Safeway's business address and business telephone number are listed above.

- June 2005: "*Children's Miracle Network Telethon*"

This Campaign was co-sponsored by the Children's Miracle Network and Children's National Medical Center.

The Children's Miracle Network's business address is 205 West 700 South, Salt Lake City, Utah, 84101, and its business telephone number is 801-214-7400.

Children's National Medical Center's business address and its business telephone number are listed above.

- June 2005: "*Celebrate Fairfax*"

This Campaign was sponsored by Celebrate Fairfax, Inc., with support from WUSA, the Fairfax County Government, and other local businesses. WUSA's records do not reflect the names of the other businesses that sponsored Celebrate Fairfax.

Celebrate Fairfax, Inc.'s business address is 12000 Government Center

Parkway, Suite 247, Fairfax, Virginia, 22035, and its business telephone number is 703-324-3247.

The Fairfax County Government's business address is 12000 Government Center Parkway, Suite 214, Fairfax, Virginia, 22035, and its business telephone number is 703-324-3120.

- June 2005: *"Prostate Screening Awareness"*

This Campaign was co-sponsored by WUSA, the American Association for Retired Persons, and Safeway.

The American Association for Retired Persons' business address is 601 E Street, N.W., Washington, D.C., 20049, and its business telephone number is 1-888-687-2277.

Safeway's business address and business telephone number are listed above.

- July 2005: *"Habitat for Humanity Build-Out"*

This Campaign was co-sponsored by WUSA and D.C. Habitat for Humanity.

D.C. Habitat for Humanity's business address is 843 Upshur Street, N.W., Washington, D.C., 20011-5836, and its business telephone number is 202-882-4600.

- August 2005: *"School Supplies 9"*

This Campaign was co-sponsored by WUSA, Girl Scouts of the United States of America, SunTrust Bank, and Safeway.

Girl Scouts of the United States of America's business address is 420 Fifth Avenue, New York, New York, 10018-2798, and its business telephone number is 212-852-8000.

SunTrust Bank's business address is 1445 New York Avenue, N.W., Washington, D.C., 20005, and its business telephone number is 202-879-6308.

Safeway's business address and its business telephone number are listed above.

- September 2005: *"Hurricane Katrina Relief"*

This Campaign was sponsored by WUSA, Clear Channel Communications station WBIG-FM, Second Harvest, and Safeway.

WBIG-FM's business address is 1801 Rockville Pike, 5th Floor, Rockville, Maryland, 20852, and its business telephone number is 301-493-1003.

Second Harvest's business address is One Constitution Avenue, N.E., Suite 200, Washington, D.C., 20002-5655, and its business telephone number is 202-547-7001.

Safeway's business address and its business telephone number are listed above.

- September 2005: *"Walk for Literacy"*

This Campaign was co-sponsored by WUSA and the D.C. Office of Employment Services.

The D.C. Office of Employment Services' business address is 64 New York Avenue, N.W., Suite 3000, Washington, D.C., 20002, and its business telephone number is 202-724-7000.

- October 2005: *"GW MammoVan"*

This Campaign was sponsored by WUSA, the Breast Care Center of the George Washington University Medical Center, and the Cancer Research Foundation of America.

The George Washington University Medical Center's business address is 106 Irving Street, N.W., Washington, D.C., 20010, and its business telephone number is 202-861-4063.

The Cancer Research Foundation of America's business address is 1600 Duke Street, Suite 500, Alexandria, Virginia, 22314, and its business telephone number is 703-836-4412.

- November 2005: *"Food Drive 9"*

This Campaign was co-sponsored by WUSA, the Boy Scouts of America, and Safeway.

The Boy Scouts of America's business address is 9190 Rockville Pike, Bethesda, Maryland, 20814, and its business telephone number is 301-530-9360.

Safeway's business address and business telephone number are listed above.

- December 2005: "Toy Drive 9"

This Campaign was co-sponsored by WUSA, SunTrust Bank, and Walmart.

SunTrust Bank's business address and business telephone number are listed above.

Walmart's business address is 702 SW 8th Street, Bentonville, Arkansas, 72716-8611, and its business telephone number is 1-800-925-6278.

3. **For each sponsor identified in Inquiry 2, describe the terms of the sponsorship arrangement, including, but not limited to:**

- a. **the Consideration involved;**
- b. **any agreements for the purchase of advertising;**
- c. **promises of news coverage or other broadcast mentions; and**
- d. **Provide any documents, including e-mails, written agreements, marketing materials, or others, relating thereto.**

As described above, WUSA's Campaigns ordinarily are complex undertakings that require the support of community partners, particularly those that have physical locations throughout the Washington, D.C. area that can be used as drop-off sites for donations. Virtually all of the co-sponsors of the Campaigns discussed here provided this or other logistical support for the Campaigns, and the Campaigns could not have been conducted without those resources.

As also explained in Section I of this response, some—but not all—of these Campaigns involved arrangements in which sponsors shared responsibility for on-air announcements. Under those arrangements, certain sponsors would purchase airtime on WUSA and would allow WUSA to use that purchased airtime to promote the relevant charitable Campaign. In each case, WUSA would air its own schedule of promotional announcements that were unpaid. As described more fully below, WUSA made clear to viewers through sponsorship disclosures—including disclosures that went beyond those required by the Sponsorship



Identification Rules—that identified sponsors had paid for some of the airtime for the relevant announcements.

Apart from standard commercial slots purchased by co-sponsors and the logistical support discussed above, WUSA received no Consideration from any of its Campaign co-sponsors. Moreover, WUSA does not make promises of news coverage or other broadcast mentions (aside from standard commercial announcements purchased to air on the Station and announced, as appropriate, in accordance with the Sponsorship Identification Rules) to any party, and none of the Campaigns discussed here involved such a promise. To the contrary, WUSA maintains a strict division between its sales and news personnel to ensure that sales considerations do not influence news coverage. Indeed, in some cases the news department declines to broadcast news stories concerning Campaigns conducted by the Station because it determines that other matters are more newsworthy. This happened, for instance, with the 2005 "Food Drive 9" campaign, which was promoted through public service announcements and on-air mentions. The culmination of "Food Drive 9," the food collection conducted by WUSA, its co-sponsors, and community volunteers, was not covered in WUSA's newscasts because the news department decided to cover other events instead.

WUSA is not aware of any contracts or other agreements relating to any of the Campaigns apart from invoices for purchased airtime. Where those invoices remain in WUSA's possession or control, they are produced as a part of this response. WUSA also has produced other responsive documents relating to these Campaigns, to the extent that it has retained those documents.

The specific arrangements for each Campaign are described below.

- January 2005-January 2006: "Buddy Check 9"

WUSA aired announcements concerning "Buddy Check 9" to encourage viewers to conduct monthly breast self-examinations, and the Northern Virginia Electric Cooperative paid for an additional schedule of announcements.

- January 2005-January 2006: "Get T.U.F.F."

WUSA aired announcements concerning this Campaign, and the Children's National Medical Center paid for an additional schedule of announcements. WUSA and Children's National Medical Center volunteered their personnel to participate in phone banks and other events. WUSA is not certain about the extent to which "Get T.U.F.F." was covered in its newscast, although it believes that there was discussion between the Station's community relations department and other Station personnel about producing a five-part series of news stories.

Where on-air events included personnel from Children's National Medical Center, the Station also invited personnel from competing hospitals, and Children's National Medical Center did not receive any enhanced news coverage because of its sponsorship of the Campaign.

- January-March 2005: "*Lighten Up Washington*"

WUSA aired announcements concerning this Campaign, and Inova Health System paid for an additional schedule of announcements.

- March 2005: "*Harvest for the Hungry*"

WUSA aired announcements concerning this Campaign and indicating that viewers could leave food donations at local Safeway stores or could provide them for collection to their United States Postal Services letter carrier. WUSA bore the cost of all on-air announcements relating to the Campaign; no airtime was purchased by either the United States Postal Service or Safeway.

- June 2005: "*Race for the Cure*"

WUSA aired announcements concerning the Race for the Cure event in connection with this Campaign. Safeway and McDonald's purchased additional schedules of announcements regarding the Campaign to air on WUSA.<sup>4</sup> The Susan G. Komen Breast Cancer Foundation coordinated the event itself but did not pay any money to WUSA. The Washington Metropolitan Area Transit Authority provided logistical support for the event and, WUSA believes, made a financial contribution to the Komen Foundation, but WUSA received no consideration from WMATA.

WUSA believes that other local sponsors provided logistical support for the event and/or made financial contributions to the Susan G. Komen Breast Cancer Foundation, but WUSA does not have a list of those sponsors. None of these entities paid any money to WUSA.

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<sup>4</sup> The version of the "Race for the Cure" announcement provided in response to the LOI is an unsponsored announcement; the Station no longer has the Safeway-sponsored version of the spot in its records. To the best of WUSA's knowledge and belief, however, the "Race for the Cure" announcements whose airtime was paid for by Safeway identified Safeway as the sponsor.

- June 2005: *"Children's Miracle Network Telethon"*

The Children's Miracle Network and the Children's National Medical Center conducted this telethon. WUSA donated the airtime for the event itself and contributed its production resources and personnel, but Children's National Medical Center reimbursed WUSA for the lost advertising revenue associated with commercial breaks during the time when the telethon was being broadcast.

- June 2005: *"Celebrate Fairfax"*

WUSA aired announcements concerning the Celebrate Fairfax event and volunteered its personnel to staff the event but did not receive any payment from Celebrate Fairfax, Inc. or any other party. Celebrate Fairfax, Inc. organized and conducted the event, in collaboration with the Fairfax County Government and other local businesses, none of which made any payment to WUSA.

- June 2005: *"Prostate Screening Awareness"*

WUSA aired announcements encouraging viewers to have regular prostate screening, and Safeway paid for an additional schedule of announcements. The American Association for Retired Persons coordinated the prostate screenings but did not pay any money to the Station.

- July 2005: *"Habitat for Humanity Build-Out"*

WUSA aired announcements concerning this Campaign and provided logistical support for the home-building event. WUSA's employees also volunteered their time to support the cause. D.C. Habitat for Humanity organized the event but did not pay any money to WUSA in connection with it.

- August 2005: *"School Supplies 9"*

WUSA aired a series of announcements concerning this Campaign and notified members of the public that they could drop off donations at local SunTrust Bank and Safeway locations. SunTrust Bank and Safeway each paid for additional schedules of announcements, volunteered their stores as drop-off locations, and provided manpower to deliver donations to a central distribution point. These sponsors also sorted donations to ensure that supplies donated in a particular jurisdiction would be given to students attending schools in that community.

Girl Scouts affiliated with Girl Scouts of United States of America collected donations and publicized the Campaign but neither Girl Scouts of the United States of America nor any of its individual members paid WUSA in connection with the Campaign.

- September 2005: "Hurricane Katrina Relief"

WUSA aired a series of announcements encouraging viewers to donate money to the Salvation Army and the American Red Cross to support Hurricane Katrina relief efforts or to drop off donations of needed items at local Safeway stores. WUSA received no payment from either charity, or from Safeway, in connection with this Campaign.

- September 2005: "Walk for Literacy"

WUSA aired a series of announcements concerning this event, and the D.C. Office of Employment Services paid for a schedule of additional announcements.

- October 2005: "GW MammoVan"

WUSA aired a series of announcements to inform local residents about the availability of the GW MammoVan. The GW MammoVan service itself was operated by the Breast Care Center of the George Washington University Medical Center with grant funding from the Cancer Research Foundation of America, but WUSA received no payment from either entity.

- November 2005: "Food Drive 9"

WUSA aired a series of announcements encouraging viewers to donate food for hungry Washington-area residents. These announcements informed viewers that local Boy Scouts would be delivering bags and flyers to area homes and returning a week later to collect donations. They also informed viewers that donations could be dropped off at area Safeway stores. Neither the Boy Scouts of America nor Safeway paid WUSA for airtime in connection with this Campaign.

- December 2005: "Toy Drive 9"

WUSA aired a series of announcements concerning this Campaign and notified members of the public that they could drop off donations at local SunTrust Bank and Walmart locations. SunTrust Bank and Walmart each

paid for additional schedules of announcements, volunteered their stores as drop-off locations, and provided manpower to deliver donations to a central distribution point.

From 2005 to 2008 SunTrust Bank sponsored paid announcements for "Toy Drive 9." In 2009, SunTrust decided not to sponsor any announcements on the Station, but it continued to serve as a drop-off location, and WUSA executed the 2009 "Toy Drive 9" campaign substantially identically to past years; that is, it did not modify the extent to which SunTrust was mentioned in newscasts or otherwise based on whether or not SunTrust sponsored any announcements.

Local fire departments also served as drop-locations and provided manpower and logistical support, and the Marine Corps Reserves coordinated the overall Toys for Tots campaign.

4. **State whether WUSA aired any news segments or other programming material concerning any of the Campaigns identified in answer to Inquiry 1. If so, provide the following information:**
  - a. **the date(s) and time(s) that WUSA aired any portion of the programming;**
  - b. **two recordings in DVD format of the program(s);**
  - c. **a written transcript of the programming;**
  - d. **any documents, including e-mails, written agreements, marketing materials, or others, relating thereto; and**
  - e. **the steps, if any, that the Licensee took to determine whether the program material required sponsorship identification and the information learned through taking any such steps.**

Because of the passage of time, WUSA does not have recordings or transcripts of its 2005 newscasts, and WUSA therefore is unable to provide those materials in response to this inquiry. However, WUSA believes that it broadcast multiple segments in its newscasts concerning most or all of the Campaigns discussed in the responses to the previous inquiries.

News reports regarding the Campaigns were developed by the Station's news staff, in consultation with its community relations department, based on their *bona fide* editorial judgment concerning the manner and extent to which the Campaigns should be covered. WUSA's sales personnel never made decisions or gave instructions concerning news reports about the Campaigns. To the best of WUSA's knowledge, news personnel did not have information about the proportion of announcements that were donated by the Station rather than being paid for by a particular sponsor, and that information therefore could not have influenced the news coverage.

As the accompanying internal correspondence reflects, WUSA news and community relations staff collaborated to arrange interviews and news reports regarding the Campaigns. For example, WUSA's Senior Producer for Community Relations Madeline Lacore worked with News Writer/Producer Janet Terry to schedule interviews for "Toy Drive 9." The interviews involved all of the entities that provided logistical support for the Campaign, including the Marine Corps Reserves, SunTrust, Walmart, a local fire department, and a local resident who had donated to the collection drive. Likewise, "School Supplies 9" interviews were scheduled by one of the Station's public affairs staffers in consultation with its meteorologist, Topper Shutt. At no time were sales personnel involved in the scheduling of these interviews, nor was any information about advertising sales provided to news staff in connection with these interviews.

When the Station's news reports involved interviews or other mentions of sponsors, WUSA routinely introduced the relevant parties as "sponsors" or "co-sponsors" of the Campaign being discussed the first time they were mentioned in order to convey to viewers the fact that the party had a financial relationship with the Station. To be clear, however, none of these sponsors paid money to the station in connection with any news report, and no sponsor was promised any news coverage as a result of its sponsorship of promotional announcements concerning any Campaign. Indeed, in the "proof of performance" presentations that WUSA made to certain sponsors after the conclusion of its Campaigns, WUSA disclosed what was "promised" to advertisers—paid public service announcements and community service impact—along with the announcements that WUSA contributed, but there is no reporting of any commitment regarding news or other coverage because no such coverage was promised.

In broadcasting material relating to sponsored Campaigns, the Station relied upon its standard practices and procedures concerning sponsorship identification that were developed over the course of many years in consultation with the Station's counsel and senior corporate management. In addition, the Station general manager discussed sponsorship identification matters with the Station's in-house counsel. The Station's counsel formed his opinions concerning sponsorship identification based on a review the FCC's rules and decisions to determine the extent to which particular program material required sponsorship disclosure. The Station's conclusions concerning the application of the Sponsorship Identification Rules as applicable to the Campaigns are described in the response to Inquiry 6. More information about

the currently-applicable company policies concerning sponsorship disclosure is reflected in the response to Inquiry 7, below.

- 5. If the answer to Inquiry 4 is "yes," state whether WUSA disclosed that the sponsors bought ad time on the station for the promo spots or otherwise identified the program material as sponsored, and if so, the manner in which that identification took place.**

As described above, WUSA routinely referred to paid sponsors of the Campaigns as "sponsors" or "co-sponsors" the first time they were mentioned in a newscast to make clear to viewers that the named entities had a financial involvement in the Campaign that was being discussed.

Likewise, each of the on-air promotional announcements that was paid for by a sponsor included either a graphic at the conclusion of the announcement identifying the sponsor or sponsors of the Campaign or an oral identification of a party as a sponsor. For instance, one of the announcements for "Buddy Check 9" included a representative for the Northern Virginia Electric Cooperative saying that "NOVEC is a proud sponsor of 'Buddy Check 9.'" The end of all sponsored "Buddy Check 9" announcements listed NOVEC in a sponsorship graphic. Likewise, WUSA's promotional announcement for "Lighten Up Washington" clearly identified both WUSA and Inova Health System as sponsors, announcing verbally that "WUSA 9 and the Inova Heart and Vascular Institute want you to lose weight and get heart healthy," and then listing both WUSA and Inova in an on-screen sponsorship graphic displayed at the conclusion of the announcement.

- 6. If the Licensee asserts that sponsorship identifications were not necessary in connection with such Broadcast programming identified in response to Inquiry 4, explain fully the basis for such assertions.**

Newscasts. As described above, none of the mentions of any of the Campaigns in WUSA newscasts or at any time other than in a standard commercial break was paid for, and no sponsor was entitled to receive any such mention as a result of its participation in any Campaign. Accordingly, the Sponsorship Identification Rules—which ordinarily require disclosure only "[w]hen a broadcast station transmits any matter for which" it receives or is promised consideration;<sup>5</sup> that is, as an "inducement" for a particular broadcast<sup>6</sup>—did not require sponsorship disclosure in connection with news stories.

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<sup>5</sup> 47 C.F.R. § 73.1212(a).

<sup>6</sup> 47 C.F.R. § 73.1212(d).

Indeed, the Sponsorship Identification Rules generally exclude from any disclosure obligation circumstances in which “any service . . . [is] furnished without charge or at a nominal charge for use on, or in connection with, a broadcast.”<sup>7</sup> In such circumstances, the Commission does not consider services received by a licensee, let alone the logistical support for charitable projects that is relevant here, to be a “service or other valuable consideration” requiring disclosure.<sup>8</sup> Here, although sponsors provided logistical support for the Station’s charitable endeavors, those services did not give rise to a sponsorship disclosure obligation.

Likewise, any money received by the Station from sponsors was expressly designated toward the broadcast of specific advertisements during commercial breaks. No money was received by the Station in consideration for a news report, and no sponsor was promised or entitled to any mentions in the Station’s newscasts. That is the standard applied by the Sponsorship Identification Rules, and therefore no disclosure was required.

Despite the Sponsorship Identification Rules’ clear exclusion of this situation from their disclosure obligations, the Station voluntarily used the terms “sponsor” and “co-sponsor” the first time a Campaign sponsor that had paid for spot announcements on the station has mentioned in a newscast, even though the sponsors had not paid for, and were not entitled to, any mentions in its newscasts.<sup>9</sup> The Station intended those announcements to convey to viewers the fact that a party had made a financial commitment to the Station in connection with a Campaign.

Under the Sponsorship Identification Rules, “the term ‘sponsored’ [has] the same meaning as ‘paid for.’”<sup>10</sup> Thus, even if the Sponsorship Identification Rules did apply to news items involving Campaign sponsors, the broadcasts would have complied with those Rules.

*Paid announcements.* As described above, the Station determined that sponsorship disclosure was required for public service announcements relating to the Campaigns that were paid for by a sponsor, and the Station provided identification as required by the Commission’s rules. Specifically, the conclusion of each such announcement included a visual

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<sup>7</sup> 47 C.F.R. § 73.1212(a)(2).

<sup>8</sup> *Id.* Such services would require disclosure only in the case of broadcasts “involving the discussion of a controversial issue of public importance.” See 47 C.F.R. § 73.1212(d).

<sup>9</sup> See *Application of Sponsorship Identification Rules to Political Broadcasts, Teaser Announcements, Governmental Entities, and Other Organizations*, Public Notice, 66 F.C.C.2d 302 (1977) (clarifying that, with the exception of certain political and controversial issue advertising, “the Commission only requires that the announcement occur once during programming and [if the announcement is a visual identification] remain on the screen long enough to be read or heard by an average viewer”).

<sup>10</sup> 47 C.F.R. § 73.1212(a)(2)(i).



sponsorship announcement; certain announcements also identified sponsors verbally as "sponsors."

Under the Sponsorship Identification Rules, announcements that relate to "commercial products or services," such as the products and services of Campaign sponsors, are deemed to include adequate sponsorship identification if they mention a sponsor's "corporate or trade name, or the name of the sponsor's product . . . when it is clear that the mention of the name of the product constitutes a sponsorship identification."<sup>11</sup> Thus, the display of the name of a sponsor at the conclusion of an announcement satisfied the Sponsorship Identification Rules because it was clear to viewers that the display was intended to convey that the identified party had sponsored the announcement and the Campaign.

In interpreting this provision of the Sponsorship Identification Rules, the touchstone of the Commission's analysis has been that an express "sponsored by" disclosure is required in public service messages only where "the public would not [otherwise] know that they are sponsored."<sup>12</sup> Thus, the Commission required paid ads placed by the United States Postal Service shortly after its creation to include a "sponsored by" or "paid for by" disclosure because the advertisements related to "functions [that] were formerly performed by the Post Office Department," stations historically had broadcast free public service messages promoting the Post Office Department, and the public was likely to assume that the announcements were unpaid "public service announcements."<sup>13</sup>

Here, the announcements at issue concerned charitable matters that were unrelated to the products and services of the identified sponsors. Viewers ordinarily understand that displaying the name of a sponsor in connection with a charitable message conveys the fact that the sponsor has paid for the message. In contrast to announcements in which the substance of a sponsor's business matched the substance of the announcement,<sup>14</sup> including Safeway's name in the sponsorship graphic at the end of an unrelated charitable message concerning breast cancer prevention, for example, would make no sense unless it designated Safeway as the sponsor of the announcement.

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<sup>11</sup> 47 C.F.R. § 73.1212(f).

<sup>12</sup> *United States Postal Service*, 41 Rad. Reg. 2d 877 (1977),.

<sup>13</sup> *Id.* The Commission distinguished advertisements by Amtrak, which did not require express disclosure, because "railroading has not been a government-provided public service in the main nor in the public mind." *Id.*

<sup>14</sup> See, e.g., *Advertising Council Request for Decl. Ruling or Waiver Concerning Sponsorship Identification Rules*, 17 FCC Rcd 22616, 22622 (2002) (concluding that "paid for by" disclosure was required in PSAs sponsored by the Office of National Drug Control Policy that included an anti-drug message because the relationship between that Office and anti-drug messaging was such that viewers might not have understood that the announcement was paid).

WUSA determined that this identification satisfied its obligations under the Sponsorship Identification Rules because it had made clear that each announcement was paid for by the entity or entities who were identified in the sponsorship disclosure graphic at its conclusion.

**7. 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.**

The Station has several policies and directives concerning compliance with the Sponsorship Identification Rules. The following documents, which reflect those policies and directives, are attached to this response:

- February 2, 2006 Sponsorship Identification Checklist. The Station maintains a checklist to ensure compliance with the Sponsorship Identification Rules and with the Station's sponsorship identification policies. According to the checklist, the Station will make disclosures in a variety of circumstances, including if "any promise of coverage or exposure been promised as part of [a] business deal" or if the Station broadcasts "news content [that has] been received from a paid sponsor." In programs that include paid product mentions, the Station requires its personnel to disclose the fact of sponsorship both at the "beginning or end of the segment [containing the mention] and at the end of the show." Finally, in the case of a community event of which the Station is a sponsor, the Station will "disclose that the Station is a sponsor" in any news report concerning the event and will disclose "any news coverage commitments tied to the event."
- June 27, 2005 Memorandum: "FCC Sponsorship Identification Rules."<sup>15</sup> In a June 2005 memorandum, the Station's legal counsel referred recipients to the FCC's fact sheet concerning sponsorship identification issues and reminded Station employees to include sponsorship disclosures going beyond those required by the Sponsorship Identification Rules in on-air announcements and newscasts in accordance with the company's policies.

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<sup>15</sup> Certain documents described in this section reflect attorney-client communications that ordinarily would be privileged. The Station is producing these documents for the convenience of the Bureau's staff but has requested confidential treatment of them pursuant to Section 0.459 of the Commission's Rules.

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- 2005 General Managers' Meeting — Notes from Station's Counsel. The Sponsorship Identification Rules were a subject of discussion at the Gannett Co., Inc. 2005 General Managers' Meeting, which included WUSA's general manager and the general managers of other television stations ultimately owned by Gannett.
  - Talent Agreement. The Station's standard agreement with its on-air personnel requires such personnel to be familiar with the Sponsorship Identification Rules and prohibits such personnel from accepting "compensation or any gift or gratuity from anyone not employed by Station, or from any person or firm whose interests could conflict with Station's interests, where such compensation, gift or gratuity is provided under any agreement or understanding that Talent will act in any particular manner in relation to the donor's business or rewards Talent for having so acted."
- 8. Identify all Station employees or agents fired or otherwise disciplined for apparent violations of Sections 317 or 507 of the Communications Act or Section 73.1212 of the Commission's rules and describe the apparent violations and disciplinary actions.**

As described in response to Inquiry 6, WUSA concluded that its on-air announcements in connection with the Campaigns complied fully with the Sponsorship Identification Rules, and WUSA did not identify instances in which employees engaged in apparent violations of those rules. Accordingly, no employees or agents were fired or otherwise disciplined in connection with such matters.

- 9. Provide copies of all Documents that provide the basis for or otherwise support the Licensee's responses to Inquiries 1-8 above.**

An index of the Documents provided in response to the LOI is attached to this response letter.

\* \* \*

WUSA takes seriously its compliance with the Sponsorship Identification Rules and, more broadly, its responsibility to inform its viewers concerning sponsorship of material broadcast on the Station. At the same time, WUSA is proud of its ongoing commitment to public service, including its cooperation with other local businesses to help disadvantaged community members and otherwise to promote the public interest.

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It is in the service of these two goals that the Station has implemented a comprehensive program of community engagement that provides significant benefits to the community while ensuring that the Station's fundamental separation between its news and sales divisions is maintained and that our involvement in charitable initiatives never compromises our independence or neutrality in journalistic matters.

To ensure that WUSA retains the trust of our viewers, it is transparent in identifying the sponsors with which it works on its Campaigns. The Station's on-air disclosures go beyond what is required by the Sponsorship Identification rules, and—other than the complaint that gave rise to the LOI—the Station is unaware that it has ever received a complaint from a viewer about the Campaigns or the Station's involvement with other community businesses.

WUSA is confident that, based on this response and the accompanying documents, the Enforcement Bureau will conclude that the Campaigns complied fully with the Sponsorship Identification Rules, and it appreciates the opportunity to respond to the complaint.

Respectfully submitted,



Kurt A. Wimmer  
Robert M. Sherman

*Counsel to Detroit Free Press, Inc.*

cc: Allan S. Horlick, President and General Manager, WUSA  
Guy Benson, Investigations and Hearings Division, Enforcement Bureau, FCC

Enclosures

**DECLARATION OF ALLAN S. HORLICK**

1. My name is Allan S. Horlick. I am currently employed as the President and General Manager of television station WUSA(TV) in Washington, D.C. ("WUSA").
2. I have reviewed WUSA's accompanying response to the Enforcement Bureau's letter of inquiry in File No. UB-06-IH-1363 (the "LOI").
3. I hereby declare under penalty of perjury that, to the best of my knowledge and belief, the foregoing factual responses are true and accurate and that all of the information and/or recordings requested by the LOI that are in WUSA's possession, custody, control or knowledge have been produced. In making this declaration, I have relied on the accompanying declaration from Khalim Piankhi, WUSA's Vice President, Community Relations, who has personal knowledge of the charitable campaigns that WUSA conducted during 2005 and that are the subject of the LOI.

  
ALLAN S. HORLICK

Dated: February 5, 2010

## DECLARATION OF KHALIM PIANKHI

1. My name is Stanley L. Holsey, and I am professionally known as Khalim Piankhi. I am currently employed as the Vice President, Community Relations at television station WUSA(TV) in Washington, D.C. ("WUSA"). I first joined WUSA in 1988, when I was hired as Executive Producer, Local Programming and Community Affairs Manager. I served in that position until 1996, when WUSA created a separate Community Relations department. Shortly thereafter, I was promoted to my current position as Vice President.

2. In this role, I am involved with each of the charitable campaigns that WUSA undertakes, and I coordinate most of these campaigns. One of my responsibilities is to serve as liaison for the various personnel across the station who are involved in charitable campaigns. More generally, I am responsible for ensuring that our charitable campaigns serve WUSA's fundamental goals of improving our community and promoting the public interest.

3. I am familiar with each of the 2005 charitable campaigns that is discussed in the accompanying response to the Enforcement Bureau's letter of inquiry to WUSA. I participated in the preparation of that response, and I declare, under penalty of perjury, that to the best of my knowledge and belief the factual information contained in that response, and the statements in this declaration, are true and accurate.

  
STANLEY L. HOLSEY

Dated: February 5, 2010