

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application for Renewal of Broadcast Station)	File No.
License of)	
)	BRCT-20040527AKR
Fox Television Stations, Inc.)	
)	
For Renewal of Station License WTTG,)	
Washington, D.C.)	

OPPOSITION OF FOX TELEVISION STATIONS, INC.

Fox Television Stations, Inc. ("FTS"), licensee of television station WTTG, Washington, D.C., respectfully submits this Opposition to the Petition to Deny the above-captioned renewal application, filed September 1, 2004 by the Parents Television Council ("PTC").¹ PTC asks the Commission to rule on PTC's pending complaints that WTTG has aired allegedly indecent material before granting WTTG's renewal application.² If the

¹ See Letter from L. Brent Bozell III, Founder and President, Parents Television Council to the Federal Communications Commission Regarding License Renewal of WTTG, Fox Channel 5, Washington D.C., File No. BRCT-20040527AKR, filed Sept. 1, 2004 (the "PTC Letter"). PTC appears to have served FTS late without informing the Commission or FTS that it had done so. In this regard, attached is a copy of the PTC Letter (without the attachments) as received by FTS at WTTG. The notary public indicates that the letter was executed on September 2, 2004, one day *after* the PTC Letter was filed with the Commission. The certificate of service on the letter as received by FTS also differs from the certificate of service in the PTC Letter as filed with the Commission (which showed service on WRC-TV, not WTTG).

² *Id.* at 2.

Commission is unable to do so, PTC alternatively asks the Commission to issue WTTG a temporary license until the FCC "is able to determine whether or not WTTG is meeting its public interest requirements."³ The Commission should promptly dismiss the PTC Letter and grant WTTG's renewal application for at least three reasons. First, PTC has failed to demonstrate that it has standing to object to the renewal application and has otherwise failed to comply with the requirements of Section 309(d) of the Communications Act of 1934 (the "Act") governing petitions to deny. Second, with respect to those PTC complaints about which FTS has received letters of inquiry from the Commission, FTS submitted formal responses demonstrating that PTC's complaints concerning allegedly indecent content broadcast on WTTG are entirely without merit. Third, delaying the grant of WTTG's renewal application based on the mere pendency of complaints would prejudice WTTG in contravention of Section 504(c) of the Act.

In sum, the Commission should dismiss the PTC Letter and, in view of WTTG's superlative record of serving its local Washington, D.C. community, should promptly grant WTTG's renewal application for a full license term.

³ *Id.*

I. THE PTC LETTER SHOULD BE DISMISSED BECAUSE PTC LACKS STANDING TO CHALLENGE WTTG'S RENEWAL APPLICATION AND HAS OTHERWISE FAILED TO COMPLY WITH THE REQUIREMENTS OF SECTION 309 OF THE ACT

Section 309(d)(1) of the Act provides that a petition to deny a broadcast license renewal application must contain "specific allegations of fact sufficient to show that the petitioner is a party in interest and that grant of the application would be prima facie inconsistent" with the public interest.⁴ These "allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof."⁵ In the PTC Letter, L. Brent Bozell III, Founder and President of PTC, alleges that he is a regular viewer of WTTG and that he is concerned that his children may be exposed to inappropriate content on WTTG.⁶ The PTC Letter, however, does not contain the requisite affidavit or declaration by Mr. Bozell that he in fact lives in the WTTG service area or that any of the other facts he alleges in the PTC Letter are true. Likewise, the PTC Letter alleges that PTC has filed 21 complaints against WTTG within the last two years.⁷ Since the Commission's complaint files are non-public, they are not a proper

⁴ Section 309(k) of the Act sets forth the particular standards by which broadcast license renewal applications shall be judged: "(A) the station has served the public interest, convenience, and necessity; (B) there have been no serious violations by the licensee of th[e] Act or the rules and regulations of the Commission; and (C) there have been no other violations by the licensee of th[e] Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse." 47 U.S.C. § 309(k).

⁵ 47 U.S.C. § 309(d)(1). *See also In re Application of The Pikes Peak Broadcasting Company For Renewal of License for Station KRDO-TV, Colorado Springs, Colorado*, 12 FCC Rcd 4626, ¶ 3 (1997).

⁶ PTC Letter, at 1.

⁷ *Id.*

subject for official notice.⁸ Accordingly, the Commission should dismiss the PTC Letter as procedurally defective under Section 309 of the Act without addressing its merits.

II. EVEN IF PTC HAD COMPLIED WITH THE DICTATES OF SECTION 309 OF THE ACT, ITS COMPLAINTS CONCERNING ALLEGEDLY INDECENT CONTENT ON WTTG ARE WITHOUT MERIT

The PTC Letter describes certain scenes from an episode of *Keen Eddie* about which PTC filed a complaint in 2003. The PTC Letter also attaches copies of additional complaints allegedly filed by PTC at the Commission concerning other programs that PTC believes contained indecent or otherwise inappropriate material. The allegations by PTC concerning indecent content on WTTG of which FTS has been made aware, however, have been shown

⁸ Indeed, even FTS has no way of knowing whether most of the complaints PTC alleges it filed were in fact submitted to the Commission. The attachments to the PTC Letter, moreover, fail to clarify this issue because they appear to be incomplete and inaccurate. The pagination in the fax line at the top of each page, for example, begins on page 2, continues to page 12, restarts on page 2, and continues through page 21 (though pages 10 and 11 are blank). Also, there are fewer than 21 complaints attached and many of the "complaints" are merely partial transcripts from shows and do not even contain an allegation that the material is indecent. Some complaints, moreover, are attached twice. Compare Letter from Lara Mahaney, Director of Corporate and Entertainment Affairs, Parents Television Council, dated August 22, 2003, complaining about an episode of *Girls Club* that aired at 9:00 p.m. ESP/PT & 8:00 p.m. CT/MT on October 21, 2003 included in the attachments at page 5 (the first time page 5 appears) with the very same letter included in the attachments at page 14. Finally, the PTC Letter includes some complaints that appear to have no connection to WTTG. See, e.g., Letter to David Solomon from Lara Mahaney, Director of Corporate and Entertainment Affairs, Parents Television Council, dated August 22, 2003 (complaining about an episode of *Off Centre* that aired on the WB network on Washington, D.C. television station WBDC-TV included in the attachments at page 8, the second time page 8 appears) and Letter to David Solomon from Lara Mahaney, Director of Corporate and Entertainment Affairs, Parents Television Council, also dated August 22, 2003 (complaining about another episode of *Off Centre* that aired on the WB network on Washington, D.C. television station WBDC-TV included in the attachments at page 12, the second time page 12 appears).

by FTS to be entirely without merit and provide no basis to deny or delay WTTG's renewal application.

With respect to *Keen Eddie*, for example, the Commission sent a letter of inquiry ("Letter of Inquiry") to FTS-owned WNYW(TV) on November 21, 2003 concerning the episode in question. WNYW(TV) timely filed a formal response (the "Response") to the Letter of Inquiry demonstrating that the broadcast material did not fall within the Commission's indecency definition. FTS further argued in its Response that the Commission should uphold critical First Amendment principles by heeding its policy to "proceed cautiously and with appropriate restraint"⁹ in indecency matters and, therefore, to dismiss the complaint about *Keen Eddie*. No further Commission action has occurred with respect to *Keen Eddie* since FTS filed its Response. FTS also has responded to other letters of inquiry from the Commission and in each case has demonstrated that the broadcast material in question did not fall within the Commission's indecency definition. Thus, even if PTC had demonstrated standing and had otherwise complied with the requirements of Section 309 of the Act – which it has not – the Commission should promptly dismiss the PTC Letter on the merits and grant WTTG's renewal application.

With respect to those programs noted in the PTC Letter about which FTS has not even received a letter of inquiry from the Commission, FTS, of course, has not had an opportunity to respond to the allegations made by PTC. The Commission should not delay the grant of WTTG's renewal application on the basis of alleged complaints about which FTS has not even been made aware and that have not precipitated letters of inquiry, especially

⁹ See *In Re KBOO Foundation; Licensee of Noncommercial Educational Station KBOO-FM, Portland, OR*, 18 FCC Rcd 2472, ¶ 5 (2003) (citing *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 813-15 (2000); *Action for Children's Television*, 852 F.2d 1332, 1344 (D.C. Cir. 1988)).

where half of the complaints PTC allegedly filed concern television programs that aired on WTTG over a year ago.

III. FAILURE TO DISMISS THE PTC LETTER AND PROMPTLY GRANT WTTG'S RENEWAL APPLICATION WOULD PREJUDICE WTTG IN CONTRAVENTION OF SECTION 504(C) OF THE ACT

Section 504(c) of the Act provides:

In any case where the Commission issues a notice of apparent liability looking toward the imposition of a forfeiture under this Act, that fact shall not be used, in any other proceeding before the Commission, to the prejudice of the person to whom such notice was issued, unless (i) the forfeiture has been paid, or (ii) a court of competent jurisdiction has ordered payment of such forfeiture, and such order has become final.

The Commission has not issued a notice of apparent liability to FTS or WTTG for any program about which PTC allegedly has complained. Equally important, neither FTS nor WTTG has paid a forfeiture related to any notice of apparent liability. Furthermore, no court of competent jurisdiction has ordered FTS or WTTG to pay any forfeiture. If the Commission is prohibited by the express terms of Section 504(c) of the Act from using fully adjudicated forfeitures in the context of a notice of apparent liability to the prejudice of a party in any other proceeding, Section 504(c) surely precludes the Commission from using mere unadjudicated informal complaints by the public to the detriment of WTTG in the context of its license renewal proceeding. The prejudice to WTTG of such action by the Commission would be tangible insofar as WTTG's license would be under a cloud of uncertainty as a result of PTC's letter-writing campaign.

IV. CONCLUSION

Given WTTG's record of outstanding public service in the Washington, D.C. community, the Commission should not permit PTC to cast a cloud of uncertainty over WTTG's license but instead should promptly renew its license for a full term. Indeed, WTTG's tradition of public service was recognized at the annual Emmy Awards this summer when WTTG won 16 local Emmy Awards for news reporting in its local community.¹⁰ This was the seventh consecutive year that WTTG has won the most local Emmys of any station in Washington, D.C.¹¹ Or consider the 24 awards received by WTTG in 2001, including six awards from the Radio and Television News Director Association, 14 Emmys, and four Associated Press Awards.¹² Awards aside, FTS is very proud of the fact that it has more than *doubled* the amount of local news provided by WTTG as compared to the station's previous owner.¹³ And the Commission itself has concluded that one of the most important indicators of a station's contribution to its local community is news coverage.¹⁴ In sum, there can be no

¹⁰ See *WTTG wins big at local Emmys*, *The Washington Times Online Edition*, June 14, 2004, available at www.washingtontimes.com/business/20040613-102540-1426r.htm.

¹¹ *Id.*

¹² See *Joint Commenters' News Programming Exhibit No. 1, Fox Television Stations Awards 2001-2002*, at 12, filed on January 2, 2003 together with the *Comments of Fox Entertainment Group, Inc. and Fox Television Stations, Inc., et. al., In Re 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 02-277.

¹³ See *id.*, at 1.

¹⁴ See *In Re 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 18 FCC Rcd 13620, ¶ 78 (2003).

doubt that WTTG under FTS' stewardship has been an extremely valuable member of the Washington, D.C. community.

For all of the foregoing reasons, the Commission should dismiss the PTC Letter as procedurally defective or, if the Commission does consider PTC's arguments, it should dismiss the PTC Letter on the merits. In view of WTTG's superlative record of contributions to its community, moreover, the Commission should promptly grant WTTG's renewal application for a full license term.

Respectfully submitted,

FOX TELEVISION STATIONS, INC.

Ellen S. Agress
Senior Vice President
Fox Television Stations, Inc.
1211 Avenue of the Americas
New York, New York 10036
(212) 852-7204

Molly Pauker
Vice President
Fox Television Stations, Inc.
5151 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 895-3088

Maureen A. O'Connell
Vice President Regulatory and
Government Affairs
The News Corporation Limited
444 North Capitol Street, N.W.
Suite 740
Washington, D.C. 20001
(202) 824-6500

Dated: October 1, 2004

By: /s/ John C. Quale
John C. Quale
Brian D. Weimer
Jared S. Sher
 of
Skadden, Arps, Slate, Meagher & Flom
LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7200

Its Attorneys



Bringing Responsibility To The Entertainment Industry

West Coast PTC Office
707 Wilshire Blvd., #2075 • Los Angeles, CA 90017
Tel (213) 629-9255 • Fax (213) 629-9254
(800) TV-COUNTS

East Coast PTC Office
325 South Patrick Street • Alexandria, VA 22314
Tel (703) 684-1699 • Fax (703) 683-9736

September 1, 2004

L. Brent Bozell III
Founder & President

Timothy F. Winter
Executive Director

Advisory Board

Michelle Barron
Phil Barron
Dr. William J. Bennett
William Blinn
Pat Boone
Wendy Borchardt
Sen. Sam Brownback
John Carvelli
Tim Conway
Billy Ray Cyrus
Rep. James Greenwood
Susan Howard
Bruce Jarchow
Dave Johnson
Gary Johnson
Dean Jones
Naomi Judd
Coleman Luck
Holly McClure
Michael Medved
Jim Otto
Father Val J. Peter
Mel Renfro
Cheryl Rhoads
Jane Seymour
Beth Sullivan
Dr. C. DeLores Tucker
Ken Wales
Susan Wales

**National Honorary
Chairman-Emeritus**
Steve Allen
1921-2000

Office of the Secretary
Federal Communications Commission
c/o Natek, Inc.
236 Massachusetts Ave., N.E.
Suite 110
Washington, DC 20002
Attn: Video Division, License Renewal Processing Team
Room 2-A665

Dear Secretary:

Reference: License Renewal: WTTG, Fox Channel 5, Washington, DC

By this letter, I am filing a formal petition to deny against Fox's WTTG, Channel 5, which broadcasts into my community. I am filing this petition to deny because the Parents Television Council, of which I am the Founder and President, has filed 21 complaints about multiple infractions of indecency against WTTG within the last two years. Only one of our complaints has been adjudicated.

I have been and currently am a resident of the WTTG broadcast market and I have full knowledge of the complaints that have been issued by the PTC. I am a regular viewer of this station and I am concerned that my children are being exposed to indecent material courtesy of WTTG. I contend that I have more than a passing interest concerning the content broadcast into my home. For example, consider the following material that has not yet been ruled on by the FCC that aired on WTTG. The PTC's complaint was filed against WTTG in 2003:

Program: *Keen Eddie*

Date: 6/10/2003

Time: 9:00 PM Eastern & Pacific, 8:00 PM Central & Mountain

Network: Fox

DC Affiliate: WTTG-TV



The plot involved a case about black market traffic in horse semen. A group of thugs hired a prostitute (whose ad in the newspaper read, "Forty Year Old Filthy Slut. Will Do Anything.") to perform a sex act with a horse.

When the prostitute showed up at the stable, the thugs asked her to perform a sex act with the horse because they needed its semen.

Prostitute: "No, that's not natural."

Thug: "Extraction for insemination. If you look at the picture on page 45 you'll see how natural it is..."

Prostitute: "Forget it!"

Another Thug: "You're a 40-year old filthy slut, you'll do anything..."

Prostitute: "With a human..."

The prostitute finally agrees to go through with it. She goes to the stable and attempts to arouse the horse, but the horse drops dead.

Prostitute: "I never laid a finger on it. I lifted up my blouse, that's all... he needs to get aroused. I happen to know a little something on this subject."

When did content regarding masturbating a horse become decent? The FCC should not rubber stamp WTTG's broadcast license renewal without ruling on the complaint listed above and without adjudicating all of the other complaints filed by the PTC against this station. Shouldn't the FCC determine if WTTG has broken the law and has indeed aired indecent material before renewing WTTG's license? If the FCC cannot adjudicate the PTC's pending indecency complaints against WTTG prior to its consideration of that station's license renewal application, then WTTG should be issued a temporary license until the FCC is able to determine whether or not WTTG is meeting its public interest requirements.

How has WTTG served the public interest or upheld community standards by airing content that many find objectionable, salacious, and indecent?

I am sending you copies of the many complaints filed by the PTC against WTTG. The FCC enforcement bureau has copies of these complaints as well and a video tape



recording of most of the complaints. Please feel free to contact me if you would like for the PTC to send you a video tape of the indecency complaints filed against WTTG.

Sincerely,

L. Brent Bozell III

L. Brent Bozell III
Founder and President
Parents Television Council

Anne Kirk Ellerbrock
on: *November 30, 2008*

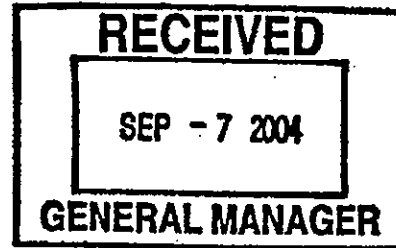
Notary Public and my Commission expires

- CC: Chairman Powell
- Commissioner Abernathy
- Commissioner Adelstein
- Commissioner Copps
- Commissioner Martin
- Senator McCain
- Congressman Barton

City/County of Alexandria
Commonwealth of Virginia
Sworn to and subscribed before me this 2
day of September 2004.
Witness my hand and official seal.
Anne Kirk Ellerbrock Notary Public

A copy of this letter has been sent to:

Station Manager
WTTG-TV, Fox 5
5151 Wisconsin, Ave., NW
Washington, DC 20016



L. Brent Bozell
L. Brent Bozell

Anne Kirk Ellerbrock
on: *November 30, 2008*

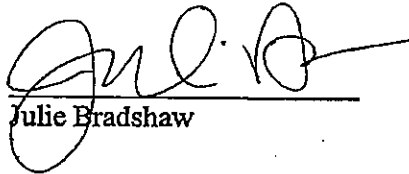
Notary Public and my Commission expires

City/County of Alexandria
Commonwealth of Virginia
Sworn to and subscribed before me this 2
day of September 2004.
Witness my hand and official seal.
Anne Kirk Ellerbrock Notary Public

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Opposition of Fox Television Stations, Inc. to be served by first-class mail, as of this 1st day of October, 2004, on the following person at the address shown below:

L. Brent Bozell III
Parents Television Council
325 South Patrick Street
Alexandria, VA 22314
Founder and President of the Parents Television Council


Julie Bradshaw

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application for Renewal of Broadcast Station)	File No.
License of)	
)	BRCT-20040527AKR
Fox Television Stations, Inc.)	
)	
For Renewal of Station License WTTG,)	
Washington, D.C.)	

OPPOSITION OF FOX TELEVISION STATIONS, INC.

Fox Television Stations, Inc. ("FTS"), licensee of television station WTTG, Washington, D.C., respectfully submits this Opposition to the Petition to Deny the above-captioned renewal application, filed September 1, 2004 by the Parents Television Council ("PTC").¹ PTC asks the Commission to rule on PTC's pending complaints that WTTG has aired allegedly indecent material before granting WTTG's renewal application.² If the

¹ See Letter from L. Brent Bozell III, Founder and President, Parents Television Council to the Federal Communications Commission Regarding License Renewal of WTTG, Fox Channel 5, Washington D.C., File No. BRCT-20040527AKR, filed Sept. 1, 2004 (the "PTC Letter"). PTC appears to have served FTS late without informing the Commission or FTS that it had done so. In this regard, attached is a copy of the PTC Letter (without the attachments) as received by FTS at WTTG. The notary public indicates that the letter was executed on September 2, 2004, one day *after* the PTC Letter was filed with the Commission. The certificate of service on the letter as received by FTS also differs from the certificate of service in the PTC Letter as filed with the Commission (which showed service on WRC-TV, not WTTG).

² *Id.* at 2.

Commission is unable to do so, PTC alternatively asks the Commission to issue WTTG a temporary license until the FCC "is able to determine whether or not WTTG is meeting its public interest requirements."³ The Commission should promptly dismiss the PTC Letter and grant WTTG's renewal application for at least three reasons. First, PTC has failed to demonstrate that it has standing to object to the renewal application and has otherwise failed to comply with the requirements of Section 309(d) of the Communications Act of 1934 (the "Act") governing petitions to deny. Second, with respect to those PTC complaints about which FTS has received letters of inquiry from the Commission, FTS submitted formal responses demonstrating that PTC's complaints concerning allegedly indecent content broadcast on WTTG are entirely without merit. Third, delaying the grant of WTTG's renewal application based on the mere pendency of complaints would prejudice WTTG in contravention of Section 504(c) of the Act.

In sum, the Commission should dismiss the PTC Letter and, in view of WTTG's superlative record of serving its local Washington, D.C. community, should promptly grant WTTG's renewal application for a full license term.

³ *Id.*

I. THE PTC LETTER SHOULD BE DISMISSED BECAUSE PTC LACKS STANDING TO CHALLENGE WTTG'S RENEWAL APPLICATION AND HAS OTHERWISE FAILED TO COMPLY WITH THE REQUIREMENTS OF SECTION 309 OF THE ACT

Section 309(d)(1) of the Act provides that a petition to deny a broadcast license renewal application must contain "specific allegations of fact sufficient to show that the petitioner is a party in interest and that grant of the application would be prima facie inconsistent" with the public interest.⁴ These "allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof."⁵ In the PTC Letter, L. Brent Bozell III, Founder and President of PTC, alleges that he is a regular viewer of WTTG and that he is concerned that his children may be exposed to inappropriate content on WTTG.⁶ The PTC Letter, however, does not contain the requisite affidavit or declaration by Mr. Bozell that he in fact lives in the WTTG service area or that any of the other facts he alleges in the PTC Letter are true. Likewise, the PTC Letter alleges that PTC has filed 21 complaints against WTTG within the last two years.⁷ Since the Commission's complaint files are non-public, they are not a proper

⁴ Section 309(k) of the Act sets forth the particular standards by which broadcast license renewal applications shall be judged: "(A) the station has served the public interest, convenience, and necessity; (B) there have been no serious violations by the licensee of th[e] Act or the rules and regulations of the Commission; and (C) there have been no other violations by the licensee of th[e] Act or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse." 47 U.S.C. § 309(k).

⁵ 47 U.S.C. § 309(d)(1). *See also In re Application of The Pikes Peak Broadcasting Company For Renewal of License for Station KRDO-TV, Colorado Springs, Colorado*, 12 FCC Rcd 4626, ¶ 3 (1997).

⁶ PTC Letter, at 1.

⁷ *Id.*

subject for official notice.⁸ Accordingly, the Commission should dismiss the PTC Letter as procedurally defective under Section 309 of the Act without addressing its merits.

II. EVEN IF PTC HAD COMPLIED WITH THE DICTATES OF SECTION 309 OF THE ACT, ITS COMPLAINTS CONCERNING ALLEGEDLY INDECENT CONTENT ON WTTG ARE WITHOUT MERIT

The PTC Letter describes certain scenes from an episode of *Keen Eddie* about which PTC filed a complaint in 2003. The PTC Letter also attaches copies of additional complaints allegedly filed by PTC at the Commission concerning other programs that PTC believes contained indecent or otherwise inappropriate material. The allegations by PTC concerning indecent content on WTTG of which FTS has been made aware, however, have been shown

⁸ Indeed, even FTS has no way of knowing whether most of the complaints PTC alleges it filed were in fact submitted to the Commission. The attachments to the PTC Letter, moreover, fail to clarify this issue because they appear to be incomplete and inaccurate. The pagination in the fax line at the top of each page, for example, begins on page 2, continues to page 12, restarts on page 2, and continues through page 21 (though pages 10 and 11 are blank). Also, there are fewer than 21 complaints attached and many of the "complaints" are merely partial transcripts from shows and do not even contain an allegation that the material is indecent. Some complaints, moreover, are attached twice. Compare *Letter from Lara Mahaney, Director of Corporate and Entertainment Affairs, Parents Television Council*, dated August 22, 2003, complaining about an episode of *Girls Club* that aired at 9:00 p.m. ESP/PT & 8:00 p.m. CT/MT on October 21, 2003 included in the attachments at page 5 (the first time page 5 appears) with the very same letter included in the attachments at page 14. Finally, the PTC Letter includes some complaints that appear to have no connection to WTTG. See, e.g., *Letter to David Solomon from Lara Mahaney, Director of Corporate and Entertainment Affairs, Parents Television Council*, dated August 22, 2003 (complaining about an episode of *Off Centre* that aired on the WB network on Washington, D.C. television station WBDC-TV included in the attachments at page 8, the second time page 8 appears) and *Letter to David Solomon from Lara Mahaney, Director of Corporate and Entertainment Affairs, Parents Television Council*, also dated August 22, 2003 (complaining about another episode of *Off Centre* that aired on the WB network on Washington, D.C. television station WBDC-TV included in the attachments at page 12, the second time page 12 appears).

by FTS to be entirely without merit and provide no basis to deny or delay WTTG's renewal application.

With respect to *Keen Eddie*, for example, the Commission sent a letter of inquiry ("Letter of Inquiry") to FTS-owned WNYW(TV) on November 21, 2003 concerning the episode in question. WNYW(TV) timely filed a formal response (the "Response") to the Letter of Inquiry demonstrating that the broadcast material did not fall within the Commission's indecency definition. FTS further argued in its Response that the Commission should uphold critical First Amendment principles by heeding its policy to "proceed cautiously and with appropriate restraint"⁹ in indecency matters and, therefore, to dismiss the complaint about *Keen Eddie*. No further Commission action has occurred with respect to *Keen Eddie* since FTS filed its Response. FTS also has responded to other letters of inquiry from the Commission and in each case has demonstrated that the broadcast material in question did not fall within the Commission's indecency definition. Thus, even if PTC had demonstrated standing and had otherwise complied with the requirements of Section 309 of the Act – which it has not – the Commission should promptly dismiss the PTC Letter on the merits and grant WTTG's renewal application.

With respect to those programs noted in the PTC Letter about which FTS has not even received a letter of inquiry from the Commission, FTS, of course, has not had an opportunity to respond to the allegations made by PTC. The Commission should not delay the grant of WTTG's renewal application on the basis of alleged complaints about which FTS has not even been made aware and that have not precipitated letters of inquiry, especially

⁹ See *In Re KBOO Foundation; Licensee of Noncommercial Educational Station KBOO-FM, Portland, OR*, 18 FCC Rcd 2472, ¶ 5 (2003) (citing *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 813-15 (2000); *Action for Children's Television*, 852 F.2d 1332, 1344 (D.C. Cir. 1988)).

where half of the complaints PTC allegedly filed concern television programs that aired on WTTG over a year ago.

III. FAILURE TO DISMISS THE PTC LETTER AND PROMPTLY GRANT WTTG'S RENEWAL APPLICATION WOULD PREJUDICE WTTG IN CONTRAVENTION OF SECTION 504(C) OF THE ACT

Section 504(c) of the Act provides:

In any case where the Commission issues a notice of apparent liability looking toward the imposition of a forfeiture under this Act, that fact shall not be used, in any other proceeding before the Commission, to the prejudice of the person to whom such notice was issued, unless (i) the forfeiture has been paid, or (ii) a court of competent jurisdiction has ordered payment of such forfeiture, and such order has become final.

The Commission has not issued a notice of apparent liability to FTS or WTTG for any program about which PTC allegedly has complained. Equally important, neither FTS nor WTTG has paid a forfeiture related to any notice of apparent liability. Furthermore, no court of competent jurisdiction has ordered FTS or WTTG to pay any forfeiture. If the Commission is prohibited by the express terms of Section 504(c) of the Act from using fully adjudicated forfeitures in the context of a notice of apparent liability to the prejudice of a party in any other proceeding, Section 504(c) surely precludes the Commission from using mere unadjudicated informal complaints by the public to the detriment of WTTG in the context of its license renewal proceeding. The prejudice to WTTG of such action by the Commission would be tangible insofar as WTTG's license would be under a cloud of uncertainty as a result of PTC's letter-writing campaign.

IV. CONCLUSION

Given WTTG's record of outstanding public service in the Washington, D.C. community, the Commission should not permit PTC to cast a cloud of uncertainty over WTTG's license but instead should promptly renew its license for a full term. Indeed, WTTG's tradition of public service was recognized at the annual Emmy Awards this summer when WTTG won 16 local Emmy Awards for news reporting in its local community.¹⁰ This was the seventh consecutive year that WTTG has won the most local Emmys of any station in Washington, D.C.¹¹ Or consider the 24 awards received by WTTG in 2001, including six awards from the Radio and Television News Director Association, 14 Emmys, and four Associated Press Awards.¹² Awards aside, FTS is very proud of the fact that it has more than *doubled* the amount of local news provided by WTTG as compared to the station's previous owner.¹³ And the Commission itself has concluded that one of the most important indicators of a station's contribution to its local community is news coverage.¹⁴ In sum, there can be no

¹⁰ See *WTTG wins big at local Emmys*, *The Washington Times Online Edition*, June 14, 2004, available at www.washingtontimes.com/business/20040613-102540-1426r.htm.

¹¹ *Id.*

¹² See *Joint Commenters' News Programming Exhibit No. 1, Fox Television Stations Awards 2001-2002*, at 12, filed on January 2, 2003 together with the *Comments of Fox Entertainment Group, Inc. and Fox Television Stations, Inc., et. al., In Re 2002 Biennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 02-277.

¹³ See *id.*, at 1.

¹⁴ See *In Re 2002 Biennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 18 FCC Rcd 13620, ¶ 78 (2003).

doubt that WTTG under FTS' stewardship has been an extremely valuable member of the Washington, D.C. community.

For all of the foregoing reasons, the Commission should dismiss the PTC Letter as procedurally defective or, if the Commission does consider PTC's arguments, it should dismiss the PTC Letter on the merits. In view of WTTG's superlative record of contributions to its community, moreover, the Commission should promptly grant WTTG's renewal application for a full license term.



Bringing Responsibility To The Entertainment Industry

West Coast PTC Office
707 Wilshire Blvd., #2075 • Los Angeles, CA 90017
Tel (213) 629-9255 • Fax (213) 629-9254
(800) TV-COUNTS

East Coast PTC Office
325 South Patrick Street • Alexandria, VA 22314
Tel (703) 684-1699 • Fax (703) 683-9736

September 1, 2004

L. Brent Bozell III
Founder & President

Timothy F. Winter
Executive Director

Advisory Board

Michelle Barron
Phil Barron
Dr. William J. Bennnett
William Blinn
Pat Boone
Wendy Borchardt
Sen. Sam Brownback
John Carvelli
Tim Conway
Billy Ray Cyrus
Rep. James Greenwood
Susan Howard
Bruce Jarchow
Dave Johnson
Gary Johnson
Dean Jones
Naomi Judd
Coleman Luck
Holly McClure
Michael Medved
Jim Otto
Father Val J. Peter
Mel Renfro
Cheryl Rhoads
Jane Seymour
Beth Sullivan
Dr. C. DeLores Tucker
Ken Wales
Susan Wales

**National Honorary
Chairman-Emeritus**
Steve Allen
1921-2000

Office of the Secretary
Federal Communications Commission
c/o Natek, Inc.
236 Massachusetts Ave., N.E.
Suite 110
Washington, DC 20002
Attn: Video Division, License Renewal Processing Team
Room 2-A665

Dear Secretary:

Reference: License Renewal: WTTG, Fox Channel 5, Washington, DC

By this letter, I am filing a formal petition to deny against Fox's WTTG, Channel 5, which broadcasts into my community. I am filing this petition to deny because the Parents Television Council, of which I am the Founder and President, has filed 21 complaints about multiple infractions of indecency against WTTG within the last two years. Only one of our complaints has been adjudicated.

I have been and currently am a resident of the WTTG broadcast market and I have full knowledge of the complaints that have been issued by the PTC. I am a regular viewer of this station and I am concerned that my children are being exposed to indecent material courtesy of WTTG. I contend that I have more than a passing interest concerning the content broadcast into my home. For example, consider the following material that has not yet been ruled on by the FCC that aired on WTTG. The PTC's complaint was filed against WTTG in 2003:

Program: *Keen Eddie*

Date: 6/10/2003

Time: 9:00 PM Eastern & Pacific, 8:00 PM Central & Mountain

Network: Fox

DC Affiliate: WTTG-TV



The plot involved a case about black market traffic in horse semen. A group of thugs hired a prostitute (whose ad in the newspaper read, "Forty Year Old Filthy Slut. Will Do Anything.") to perform a sex act with a horse.

When the prostitute showed up at the stable, the thugs asked her to perform a sex act with the horse because they needed its semen.

Prostitute: "No, that's not natural."

Thug: "Extraction for insemination. If you look at the picture on page 45 you'll see how natural it is..."

Prostitute: "Forget it!"

Another Thug: "You're a 40-year old filthy slut, you'll do anything..."

Prostitute: "With a human..."

The prostitute finally agrees to go through with it. She goes to the stable and attempts to arouse the horse, but the horse drops dead.

Prostitute: "I never laid a finger on it. I lifted up my blouse, that's all... he needs to get aroused. I happen to know a little something on this subject."

When did content regarding masturbating a horse become decent? The FCC should not rubber stamp WTTG's broadcast license renewal without ruling on the complaint listed above and without adjudicating all of the other complaints filed by the PTC against this station. Shouldn't the FCC determine if WTTG has broken the law and has indeed aired indecent material before renewing WTTG's license? If the FCC cannot adjudicate the PTC's pending indecency complaints against WTTG prior to its consideration of that station's license renewal application, then WTTG should be issued a temporary license until the FCC is able to determine whether or not WTTG is meeting its public interest requirements.

How has WTTG served the public interest or upheld community standards by airing content that many find objectionable, salacious, and indecent?

I am sending you copies of the many complaints filed by the PTC against WTTG. The FCC enforcement bureau has copies of these complaints as well and a video tape



recording of most of the complaints. Please feel free to contact me if you would like for the PTC to send you a video tape of the indecency complaints filed against WTTG.

Sincerely,

L. Brent Bozell III

L. Brent Bozell III
Founder and President
Parents Television Council

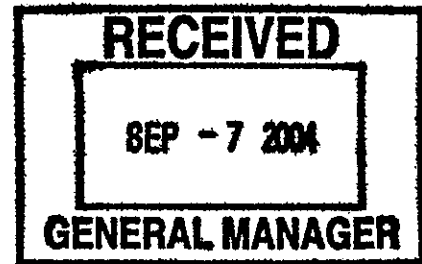
Anne Kirk Ellerbrock Notary Public and my Commission expires
on: November 30, 2008

- CC: Chairman Powell
- Commissioner Abernathy
- Commissioner Adelstein
- Commissioner Copps
- Commissioner Martin
- Senator McCain
- Congressman Barton

City/County of Alexandria
Commonwealth of Virginia
Sworn to and subscribed before me this 2
day of September, 2004.
Witness my hand and official seal.
Anne Kirk Ellerbrock Notary Public

A copy of this letter has been sent to:

Station Manager
WTTG-TV, Fox 5
5151 Wisconsin, Ave., NW
Washington, DC 20016



L. Brent Bozell
L. Brent Bozell

Anne Kirk Ellerbrock Notary Public and my Commission expires
on: November 30, 2008

City/County of Alexandria
Commonwealth of Virginia
Sworn to and subscribed before me this 2
day of September, 2004.
Witness my hand and official seal.
Anne Kirk Ellerbrock Notary Public

August 22, 2003

David Solomon
FCC Enforcement Bureau
445 12th St. SW
Washington, DC 20554

Dear Mr. Solomon,

On behalf of the Parents Television Council and its over 800,000 members, I am filing an indecency complaint against the Fox network television special, *2002 Billboard Music Awards*. The program that contained the indecent material originally aired at 8:00 p.m. EST/PT and at 7:00 p.m. CT, on December 9, 2002. This program was seen in homes across the country on the Fox network, and in Washington DC, the program aired on WTTG.

If the content is found to be indecent, then a Notice of Apparent Liability should be levied against each Fox affiliate that aired the program.

A transcript of the indecent segment follows. I would be happy to provide you with a videotape of this episode to further demonstrate the indecency of this episode.

- o The celebrity, Cher, says: "People have been telling me I'm on the way out every year, right? So fuck 'em."

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

Chairman Powell
Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein

Sen. Hollings
Sen. McCain
Sen. Brownback
Sen. Dorgan
Sen. Hutchison
Sen. Shelby

Sen. Smith
Rep. Greenwood
Rep. Tauzin
Rep. Dingell
Rep. Markey
Rep. Shimkus
Rep. Upton

Partial Transcript of:
BOSTON PUBLIC, Fox, 8:00 PM EST&PT/ 7:00 PM CT& MT
Air Date: October 29, 2001

Harvey: Did you know Mr. Pratt that you are a big dick? Do we have any other big dicks with us today? Well... it seems that you are the only one Mr. Pratt. Now, sit down. And learn the dates now!

Steve: What are looking for, you wanna get fired?

Harvey: Is this about me calling a student a dick?

Steve: Yes.

Steve: No more dick talk.

August 22, 2003

David Solomon
FCC Enforcement Bureau
445 12th St. SW
Washington, DC 20554

Dear Mr. Solomon,

On behalf of the Parents Television Council and its over 800,000 members, I am filing an indecency complaint against the Fox network television program *Fastlane*. The episode that contained the indecent material originally aired at 9:00 p.m. ESP/PT & 8:00 p.m. CT/MT on September 18, 2002. This program was seen in homes across the country on the Fox network and in Washington, D.C., the program appeared on WTTG-TV.

If the content is found to be indecent, then Notice of Apparent Liability should be levied against each affiliate that aired the indecent broadcast.

A transcript of the indecent segment follows. I would be happy to provide you with a videotape of this episode to further demonstrate the indecency of this episode.

- o **Big Daddy: "...because in my next life I'm coming back as a pair of pliers and pulling off your nutsack."**

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

Chairman Powell
Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein

Sen. Hollings
Sen. McCain
Sen. Brownback
Sen. Dorgan
Sen. Hutchison
Sen. Smith
Sen. Shelby

Rep. Tauzin
Rep. Dingell
Rep. Upton
Rep. Markey
Rep. Shimkus
Rep. Greenwood

August 22, 2003

David Solomon
FCC Enforcement Bureau
445 12th St. SW
Washington, DC 20554

Dear Mr. Solomon,

On behalf of the Parents Television Council and its over 800,000 members, I am filing an indecency complaint against the Fox network television program *Girls Club*. The episode that contained the indecent material originally aired at 9:00 p.m. ESP/PT & 8:00 p.m. CT/MT on October 21, 2002. This program was seen in homes across the country on the Fox network and in Washington, D.C., the program appeared on WTTG-TV.

If the content is found to be indecent, then Notice of Apparent Liability should be levied against each affiliate that aired the indecent broadcast.

A transcript of the indecent segment follows. I would be happy to provide you with a videotape of this episode to further demonstrate the indecency of this episode.

- o **Jeannie: "...and those Power Dicks are going to start giving me trials."**

Senior lawyer: "Is that what you call us? 'Power Dicks'?"

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

Chairman Powell
Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein

Sen. Hollings
Sen. McCain
Sen. Brownback
Sen. Dorgan
Sen. Hutchinson
Sen. Smith
Sen. Shelby

Rep. Tauzin
Rep. Dingell
Rep. Upton
Rep. Markey
Rep. Shimkus
Rep. Greenwood

August 22, 2003

David Solomon
FCC Enforcement Bureau
445 12th St. SW
Washington, DC 20554

Dear Mr. Solomon,

On behalf of the Parents Television Council and its over 800,000 members, I am filing an indecency complaint against the Fox network televised movie, *Austin Powers: The Spy Who Shagged Me*. The movie that contained the indecent material originally aired at 8:00 p.m. EST/PT and at 7:00 p.m. CT, on January 8, 2003. This programming was seen in homes across the country on the Fox network, and in Washington DC, the program aired on WTTG.

If the content is found to be indecent, then a Notice of Apparent Liability should be levied against each Fox affiliate that aired the movie.

A transcript of the indecent segments follows. I would be happy to provide you with a videotape of this movie to further demonstrate the indecency of this program.

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

Chairman Powell
Commissioner Abernathy
Commissioner Capps
Commissioner Martin
Commissioner Adelstein

Sen. Hollings
Sen. McCain
Sen. Brownback
Sen. Dorgan
Sen. Hutchison
Sen. Shelby

Sen. Smith
Rep. Greenwood
Rep. Tauzin
Rep. Dingell
Rep. Markey
Rep. Shimkus
Rep. Upton

Partial Transcript of:

Austin Powers: The Spy Who Shagged Me, Fox, 8:00 PM EST&PT/ 7:00 PM CT&MT

Air Date: January 8, 2003

The character, Austin, goes down the stairs nude and happy, celebrating because he is single again.

Austin walks around naked in the hotel in front of crowds of people. He passes behind a table. A waiter grabs a candle that has the shape of a big penis.

Austin analyzes a picture of himself in which he's covering his genitals. He tries to assess if his "mojo" is in tact.

Austin: "fat bastard"

Austin: "spectacles, testicles, wallet and watch"

Felicity is in bed with Fat Bastard. Both are naked.

Partial Transcript

The Jamie Kennedy Experiment

October 23, 2003

1. Kennedy plays a news director of an "extreme" news station who uses the mark to broadcast a breaking "story" about a shooting.
2. He sets up a friends mother in another "fake interview" segment, where the interviewer asks her very personal questions about her and Kennedy.
3. He plays a funeral director who sells body parts -- and has the mark deliver a eulogy for a Mafioso family.

- Highsmith: "In the article, Jamie goes into some detail about what he describes as, and these are in quotes 'the hottest night of his life,' where you and he, he says, got intimate. (she denies it)..that you were friendly and open to Jamie."
- Angela: "Friendly, as.. a mother."
- Highsmith: "How old was he when this happened?...I'm talking about he *Time* Magazine article... You know that Jamie says that he and your son used to try on your undergarments..." (she starts to get angry.) "...and he says that you like to undress in front of Jamie...Jamie said that he spent a few weeks, and his parents know about this, as a male prostitute in Los Angeles, and he says, it brought him back to a time when he used to play a game with your son called 'you show me yours and I'll show you mine.'"
- Angela: "Bobby..Jamie wrote in the article that he used to have sex with me..."
- Bobby: "What else did he say?"
- Angela: "That he used to wear our underwear and you used to show him mine..."
- Bobby: "Well we did do that..it's a kid thing..."
- Angela: "Well you didn't show him your penis or something, did you?"
- Bobby: "Yeah."
- Angela: "Are you sick? Are you out of your mind?...you make me come to this craziness, for Jamie Kennedy, I'll kill that (bleeped 'faggot')."

Highsmith again asks her how long she had an affair with Kennedy. Angela denies it and says he wasn't even good looking. Kennedy then reveals the joke -- she calls him a bastard.

- Angela: "...kick your ass."

Page 2

Experiment: Kennedy plays a funeral director at a home, who sells body parts of corpses. At a fake funeral for a Mafioso, he sets up the mark, Porfinio. He tells them that he makes a plastic mold of the body, buries it, and takes apart the body and sells the organ on the black market. He opens up a cabinet to show Porfinio jars of extracted anatomy -- eyes, liver, kidneys, etc. He shows him a fake body. He tells Porfinio that the guests can't touch the body.

- Kennedy: 'If they catch me, it's not just gonna be my business, it's gonna be my ass.'

Partial Transcript
THE SIMPSONS

11/16/2003

Analysis: Lisa gets the students to protest. Two of the protest signs read:
"DON'T CUT OFF MY PIANISSIMO"
"WHAT WOULD JESUS GLUE?"

Otto drops Lisa off at her new school.

Otto: "Well, I guess this story has a happy ending after all. Just like my last massage."

[This is a sexual joke, as a 'happy ending' is code for massage parlors that perform sexual acts.]

Partial Transcript

Program: *The Simpsons*

Date: 12/07/2003

Time: 8PM Eastern & Pacific, 7PM Central Standard Time

Network: Fox

DC Affiliate: WTTG-TV

- Dr. Hibbard accuses the Simpsons' dog, Santa's Little Helper, of having sex with his dog, Rosa Barks.

Dr. Hibbard: "Two months ago, Santa's Little Helper paid a booty call to my pure-bread poodle, Rosa Barks. And he had his eyes on her prize."

- Homer remembers that on the night he was supposed to take Santa's Little Helper to get neutered, he instead took the dog for a night on the town.

Homer: "On our way to the clinic I decided to give him a night his wang would never forget."

- Homer and Santa's Little Helper drive by a XXX movie theater for dogs whose sign advertises movies titled: "Behind the Doggie Door," "Long Dog Silver," and "On Golden Retriever."
- Homer buys Santa's Little Helper a prostitute dog, which it has sex with in a bush.
- Homer takes Santa's Little Helper to "Nuts Landing Dog Neutering," but decides not to neuter the dog and warns it:

Homer: "You better save all your loving for the couch cushions."

Title: *Billboard Music Awards*
Date: December 10, 2003
Time: 8-10:00 p.m. Eastern/ Pacific and 7-9:00 p.m. Central
Network: Fox
Washington D.C. affiliate: WTTG-TV

Paris Hilton and Nicole Richie are introduced and they walk onstage.

Paris: Now Nicole remember, this a live show, so watch the bad language.

Nicole: Okaaay, God.

Paris: It feels so good to be standing here tonight

Nicole: Yeah, instead of standing in mud and cow shit [you can see her mouth the complete words "cow shit", but the sound is muted; then it cuts to a full screen shot that reads "Billboard Music Awards '03]

Back to full screen and sound-

Nicole: Why do they even call it *The Simple Life*? Have you ever tried to get cow shit out of a Prada purse? It's not so fucking simple."

[both "shit" and "fucking" are completely visible and audible]

Partial Transcript

Program: Billboard Awards 2003
Date: 12/10/2003
Time: 8PM Eastern & Standard, 7PM Central Standard Time
Network: Fox
DC Affiliate: WTTG-TV

- Triumph, the Insult Dog, tells racy jokes that include references to defecation as slang for insults,

David to Triumph: "Who are you gonna poop on tonight?"

Triumph: "Oh, no, no, no. It's Christmas time. No pooping, no pooping."

David: "Nobody, not even..."

Triumph: "Just plugging, just plugging. Plug, plug..."

David: "No, no...not even Ryan Seacrest?"

Triumph: "Ryan Seacrest. A lot of people make jokes about Ryan Seacrest being gay, and I don't think that's fair, you know? To call them jokes...it's not right." (There is an unknown phrase while Triumph holds up Seacrest's CD.)

David: "So, what about uh...Paris Hilton? Paris Hilton?"

Triumph: "Oh, no, no...no, no, no...not going there. NO, no, no, no, no. That's messed up, I wouldn't touch with a (muted swear word) pole."

David: "Okay, well, what about the big stories this year, you know? You got Britney and Madonna. That was a pretty desperate publicity stunt, right?"

Triumph: "No, no...that wasn't a great desperate publicity stunt. The kiss. Britney and Madonna, that kiss worked out for both of them, Madonna got the exposure to a younger audience and Britney got her piece. That joke was for Pink! That joke was for Pink. Why does Pink hate... why does Pink hate Britney so much?"

David: "I don't know, I think probably 'cause she's one of the best lip-singers in the business, I think."

Triumph: "Britney...yes... Britney is a kick-ass lip-singer. I saw Britney at the AMA's. I haven't seen lip-singing that convincing since Barney the dinosaur. Oh, yes... come on! I saw Britney singing live once and I saw her try to sing and dance live... I haven't heard notes like that since I caught my (bleeped) lawn sprinkler. This is the real thing, right here! This is the man! David Grohl! David Grohl! David Grohl! Yes! David Grohl doesn't lip-sing! David Grohl is out there in the trenches every day! He's fighting full, he's playing the drums, the guitar, he sings, he dresses like a chick!

David: "Hey! Back to Britney and Madonna, come on..."

Triumph: "Look, look, I'm not going to make fun of Madonna, because Madonna is the one celebrity, who might some day have sex with a dog."

David: "Well, could you, could you poop on Timberlake, please?"

Triumph: "No! You want me to poop on Justin? No! Justin Timberlake is like the hawk. Pooping only makes him stronger. Justin is so talented he sings...he dances, he's like the white... he's like the other white Michael Jackson. Yes..."

David: "Okay... what...Could you at least poop on Michael Jackson?"

Triumph: "No! I'm not going to poop on Michael Jackson... Michael and me have a common bond. We are both partly made of rubber, and we both like to have a hand up (bleeped "our ass") once in a while... What??? I'm not going to poop on him!!!"

David: "Hey... did you hear...did you hear about Enrique? Enrique is back and he lost the mole, have you noticed?"

Triumph: "Enrique! Enrique lost the mole, yes! I guess after all these years it got embarrassing... so the mole has to be cut off."

David: "What about American Idol? What about that?"

Triumph: "Why don't take one? Why don't you take one? David Grohl?"

David: "I'm not good at this, though..."

Triumph: "Come poop with me... come poop with me."

David: "I'll poop with you, I'll poop with you. I'll poop with you... Well, you know, this gig is a big switch for Ryan because normally on American Idol he has to watch singers that suck, get crashing rejections, and tonight he has to watch them get awards!"

Triumph: "Ouch! Ouch!"

David: "Hey... come on!"

Triumph: "Come on... You know that was pretty harsh... the truth is, the truth is if it weren't for American Idol I wouldn't be here tonight because Justin Guarini was my cab driver. Clay doesn't like that, what?"

David: "That was yeah... that was a little tough... Yeah, Ruben Studdard's album dropped yesterday, did you hear about that?"

Triumph: "Ruben's album dropped... yeah... yeah... yeah...If I dropped something like that I'd get whacked with the rolled up newspaper- I, kid!! Back to you!"

David: "Well, I mean, it's very exciting because we all... we all know that uh... That Clay's been outselling Ruben..."

Triumph: "Oh, boy..."

David: "I don't, you know... and Ruben hasn't felt this much pressure since...uh... since he and Clay... well, you can insert your gay joke here."

Triumph: "Augh... Nooooo!"

David: "Yeah, Triumph..."

Triumph: "Clay puts up with a lot of crap..."

David: "Well, let's see... you know.... also, Chingy is here, too."

Triumph: "Chingy? Chingy!!!"

David: "Chingy! He's the hottest thing in rap, right now. And unfortunately, that means that he'll be out of the music business in about two years or something..."

Triumph: "WOW!!! Oh, my God! I don't want to touch this one, girl..."

David: "Yeah, you might want to lay off that one."

Triumph: "He's gonna to call Eminem on me."

David: "That's gonna...."

Triumph: "I don't want anyone going Eminem on my ass tonight."

David: "You don't want that..."

Triumph: "Why don't try Eminem Evanescence? Eminem Evanescence. Give me something for them..."

David: "Triumph says 'You suck!'"

Partial Transcript

Program: *Malcolm in the Middle*

Date: 1/04/2004

Time: 9PM Eastern/Pacific, 8PM Central/Mountain

Network: Fox

DC Affiliate: WTTG-TV

Francis' boss Otto talks to him about how to get sperm out of Bruno, a bull.

Otto: "How do you plan to work her?"

Fancis: "What do you mean, 'work her'?"

Otto: "Well you know, you will sit there, waiting for Bruno to become freshbrotten (aroused) and enter the artificial holencutz, and then maybe you rub the hips a little bit. Maybe you tease him with the tail."

Partial Transcript

Program: *Keen Eddie*

Date: 6/10/2003

Time: 9:00 PM Eastern & Pacific, 8:00 PM Central & Mountain

Network: Fox

DC Affiliate: WTTG-TV

The plot involved a case about black market traffic in horse semen. A group of thugs hired a prostitute (whose ad in the newspaper read, "Forty Year Old Filthy Slut. Will Do Anything.") to perform a sex act with a horse.

When the prostitute showed up at the stable, the thugs asked her to perform a sex act with the horse because they needed its semen.

Prostitute: "No, that's not natural."

Thug: "Extraction for insemination. If you look at the picture on page 45 you'll see how natural it is..."

Prostitute: "Forget it!"

Another Thug: "You're a 40-year old filthy slut, you'll do anything..."

Prostitute: "With a human..."

The prostitute finally agrees to go through with it. She goes to the stable and attempts to arouse the horse, but the horse drops dead.

Prostitute: "I never laid a finger on it. I lifted up my blouse, that's all... he needs to get aroused. I happen to know a little something on this subject."

David Solomon
FCC Enforcement Bureau
445 12th St. SW
Washington, DC 20554

August 22, 2003

Dear Mr. Solomon,

On behalf of the Parents Television Council and its over 800,000 members, I am filing an indecency complaint against the WB network television program *Off Centre*. The episode that contained the indecent material originally aired at 9:30 p.m. ESP/PT & 8:30 p.m. CT/MT on October 10, 2002. This program was seen in homes across the country on the WB network, and in Washington, D.C. the program appeared on WBDC-TV.

If the content is found to be indecent, then Notice of Apparent Liability should be levied against each affiliate that aired the indecent broadcast.

A transcript of the indecent segment follows on a separate page. I would be happy to provide you with a videotape of this episode to further demonstrate the indecency of this episode.

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

Chairman Powell
Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein

Sen. Hollings
Sen. McCain
Sen. Brownback
Sen. Dorgan
Sen. Hutchison
Sen. Smith
Sen. Shelby

Rep. Tauzin
Rep. Dingell
Rep. Upton
Rep. Markey
Rep. Shimkus
Rep. Greenwood

Partial Transcript of:

OFF CENTRE, WB, 9:30 p.m. ESP/PT & 8:30 p.m. CT/MT

Air Date: October 10, 2002

- o Mike and Euan are in an elevator. A young woman and Dr. Wasserman, their urologist, enter the elevator.

Euan: "Dr. Wasserman!"

Mike: "It's pee pee doc!"

Dr. Wasserman: "Mike, Euan, young woman. How are those penises? I'm speaking to the gentlemen now."

Euan: "Smashing."

Mike: "Never better."

Euan: "Dr. Wasserman here is our urologist."

Mike: "Not that we would need an urologist."

Dr. Wasserman: "Mike, has the, uh, redness gone away? And what about the flaking and peeling? Are you still using the lotion twice a day?"

Mike: "Yeah, yeah. Sometimes more. I broke up with my girlfriend."

Dr. Wasserman: "And you Euan, how's uh, old 'Snuffleupagus,' huh? I hope you remember that the uncircumcised penis poses challenges to hygiene. I mean, smegma (*NOTE BELOW) may be a funny word, but it's no laughing matter, believe you me." (The girl, disgusted, gets off at the next stop)

Euan: "...So doc, what are you doing here?"

Dr. Wasserman: "I just moved in, I'm now a proud resident of the Hadley on Centre Street...Ever since my wife's death, you know, the house was just too hard to keep clean."

Mike: "Kinda like Euan's penis."

Dr. Wasserman: "Well said, well said. Although I can't really compare my house to Euan's penis. Because as far as I know, my wife didn't leap to her death from the roof of Euan's penis. Also our house was quite large."

- o Dr. Wasserman: "I think it's very important for a man your age to self examine. Roll the testicle like a grape, but don't squeeze too hard or you'll make wine (laughs)."

(*NOTE) According to *The American Heritage³ Dictionary of the English Language: Fourth Edition*, 2000; Smegma is defined as "a sebaceous secretion, especially the cheesy secretion that collects under the prepuce or around the clitoris."

August 22, 2003

David Solomon
FCC Enforcement Bureau
445 12th St. SW
Washington, DC 20554

Dear Mr. Solomon,

On behalf of the Parents Television Council and its over 800,000 members, I am filing an indecency complaint against the WB network television program *Off Centre*. The episode that contained the indecent material originally aired at 9:30 p.m. ESP/PT & 8:30 p.m. CT/MT on October 3, 2002. This program was seen in homes across the country on the WB network, and in Washington, D.C. the program appeared on WBDC-TV.

If the content is found to be indecent, then Notice of Apparent Liability should be levied against each affiliate that aired the indecent broadcast.

A transcript of the indecent segment follows on a separate page. I would be happy to provide you with a videotape of this episode to further demonstrate the indecency of this episode.

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

Chairman Powell
Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein

Sen. Hollings
Sen. McCain
Sen. Brownback
Sen. Dorgan
Sen. Hutchinson
Sen. Smith
Sen. Shelby

Rep. Tauzin
Rep. Dingell
Rep. Upton
Rep. Markcy
Rep. Shimkus
Rep. Greenwood

Partial Transcript of:

OFF CENTRE, WB, 9:30 p.m. ESP/PT & 8:30 p.m. CT/MT

Air Date: October 10, 2002

- Euan: "Well, you've timed your breakup perfectly because Mike has been crapping up a storm. Honestly, he's taking this high fiber stuff --cilium seed?"
- Carmen: "Hey, would you walk me back to our building? I could give you something to suck on." (Mike's tongue is pierced and sore.)
- Carmen: "You know what I like about you, Mike? You're funny. You're just the kind of guy I can hang out with in sweats and a T shirt."

Mike: "Yeah I am. Could it be a short little T-shirt?"

Carmen: "You might see some underboob."

Mike: "My second favorite part of the boob." (she leaves for a minute; and Mike runs to the guest bathroom, clasping his legs together; he obviously has to go to the washroom.

- Mike, after finishing an implied defecation as he looks into the toilet bowl and smiles: "Nice." He flushes, then looks and notices that the toilet is starting to overflow.

"Go down. Whoa, go down, no, come on buddy, no go down. Please. Come on, you wouldn't do this to your old dad, huh?" He then screams in horror as the toilet overflows.

- Later, Mike finds a large amount of feces in his toilet and wonders if Carmen had left it in retaliation for overflowing her toilet. "Carmen must've found it. Great, now she'll always think of me as the guy who left the giant one in her toilet."

Mike: "You're right, you're right. And I know what it is. Carmen climbed up the fire escape, into our window and grunted out some payback in our toilet!"

Chau: "She is pure evil. And so freaking hot!"

- Mike and Euan are wondering who was in their bathroom when Liz, Mike's ex-girlfriend, enters.

Liz: "What I just came to drop off my key."

Mike: "Uh-huh. Did you happen to drop off anything else recently?"

Liz: "No....I'm sorry! I had a job interview around the corner, and I really had to go because of the cilium seed, and it wouldn't flush..."

August 22, 2003

David Solomon
FCC Enforcement Bureau
445 12th St. SW
Washington, DC 20554

Dear Mr. Solomon,

On behalf of the Parents Television Council and its over 800,000 members, I am filing an indecency complaint against the Fox network television program *Girls Club*. The episode that contained the indecent material originally aired at 9:00 p.m. ESP/PT & 8:00 p.m. CT/MT on October 21, 2002. This program was seen in homes across the country on the Fox network and in Washington, D.C., the program appeared on WTTG-TV.

If the content is found to be indecent, then Notice of Apparent Liability should be levied against each affiliate that aired the indecent broadcast.

A transcript of the indecent segment follows. I would be happy to provide you with a videotape of this episode to further demonstrate the indecency of this episode.

- o Jeannie: "...and those Power Dicks are going to start giving me trials."

Senior lawyer: "Is that what you call us? 'Power Dicks'?"

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

Chairman Powell
Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein

Sen. Hollings
Sen. McCain
Sen. Brownback
Sen. Dorgan
Sen. Hutchison
Sen. Smith
Sen. Shelby

Rep. Tauzin
Rep. Dingell
Rep. Upton
Rep. Markey
Rep. Shimkus
Rep. Greenwood

David Solomon
FCC Enforcement Bureau
445 12th St. SW
Washington, DC 20554

August 22, 2003

Dear Mr. Solomon,

On behalf of the Parents Television Council and its over 800,000 members, I am filing an indecency complaint against the CBS network television program *Girls Club*. The episode that contained the indecent material originally aired at 9:00 p.m. ESP/PT & 8:00 p.m. CT/MT on October 28, 2002. This program was seen in homes across the country on the CBS network and in Washington, D.C., the program appeared on WTTG-TV.

If the content is found to be indecent, then Notice of Apparent Liability should be levied against each affiliate that aired the indecent broadcast.

A transcript of the indecent segment follows. I would be happy to provide you with a videotape of this episode to further demonstrate the indecency of this episode.

- o **Jeannie: "...and, obviously, I'm not feeling too sexual these days... Especially here, I'm having a little trouble with one of the Power Dicks..."**

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

Chairman Powell
Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein

Sen. Hollings
Sen. McCain
Sen. Brownback
Sen. Dorgan
Sen. Hutchison
Sen. Smith
Sen. Shelby

Rep. Tauzin
Rep. Dingell
Rep. Upton
Rep. Markey
Rep. Shimkus
Rep. Greenwood

Partial Transcript

ARRESTED DEVELOPMENT

11/16/2003

GM joins the school play to kiss Mae. Michael spends time with his troubled brother Buster. There are multiple scripted bleeps, and some sexual innuendo dealing with homosexuality.

Michael burns himself on the corn baller

- Michael: "'Bleep" (Shit) "Bleep" (Jesus) Christ. Stupid corn balling piece of "bleep" (shit)."

Another flashback shows Sr. attacking Richard Simmons.

Analysis: Michael and his mother are talking about Buster. She wants Michael to start including Buster.

- Lucille: "Because he's you're brother. And you run around with everyone else. Going on bike rides, making corn-holes. Everyone's laughing, and riding, and corn-holing except Buster."

[Corn-holing is slang for anal sex.]

Michael is getting ready to go ride bikes with Buster. Michael tells him that he is in good shape and Buster better watch out.

- Buster: "And you might be eating "bleep" (shit). It's going to "bleep"."

- Michael: "I hope it doesn't have to come to that."

These are extended bleeps, where more than one offensive item is said, but you can't make out what is being said.

All the kids are sitting around talking about their mother.

- Buster: "It like she gets off on being withholding."

Buster goes off on a tirade.

- Buster: "Because I'm an uptight "bleceeeeeeep" muster "bleecep" you old horny slut."
- Michael: "Well no one's going to top that."

These are extended bleeps where you cannot decipher what the character is saying, but it offends the other characters.

Lyndsay confronts her mother.

- Lyndsay: "You do get off on being withholden."

Partial Transcript

The Next Joe Millionaire

October 28, 2003

Joe votes off Tereza and Karolina. Olinda says the F-word.

- Olinda: "Fuck off" (not bleeped or blurred)

Partial Transcript

A Minute with Stan Hooper
October 29, 2003

Stan interviews two married males. The three were talking about how they chose one name over another. The name of one of the guys was "Cockburn" so they thought that it was inappropriate for two gay men to have that as a last name. The guy with that last name fans his genital area with the apron he's wearing.