



FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Investigations and Hearings Division
445 12th Street, S.W., Suite 3-B443
Washington, D.C. 20554

May 10, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND FACSIMILE (202) 895-3222

Fox Television Stations, Inc.
5151 Wisconsin Avenue, N.W.
Washington, D.C. 20016

Re: Station WTTG(TV), Washington, D.C.
Facility ID# 22207
File No. EB-04-IH-0089

Dear Licensee:

The Enforcement Bureau is investigating allegations contained in the enclosed complaint (the "Complaint") that Fox Television Stations, Inc. ("Fox") broadcast indecent material over Station WTTG(TV), Washington, D.C., in violation of title 18 U.S.C. § 1464 and section 73.3999 of the Commission's rules, 47 C.F.R. § 73.3999. Specifically, it is alleged that indecent material was broadcast during "The Simpsons" show on December 7, 2003, at 8 p.m. We direct the Licensee, as defined herein, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403, to provide the information and Documents, as defined herein, within thirty (30) calendar days from the date of this letter.

Instructions

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

If the Licensee withholds any information or Documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item, the numbered inquiry to which each item

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responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Each requested Document, as defined herein, shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein, unless the Document is a recording or transcript, in which case it should be provided only for the period of time of the broadcast specified in the pertinent inquiry herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be submitted.

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

With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, the Licensee is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless (a) the Licensee is directed or informed by the Enforcement Bureau in writing to retain such Documents for some shorter or longer period of time or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, the Licensee must retain all such Documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

The specific inquiries made herein are continuing in nature. The Licensee is required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, the Licensee must supplement its responses (a) if the Licensee learns that, in some material respect, the Documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive Documents or information are acquired by or become known to the Licensee after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless (a) the Licensee is directed or informed by the Enforcement Bureau in writing that the Licensee's obligation to update the record will continue for some shorter or longer period of time or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not

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limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the release of such item.

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

Unless otherwise indicated, the period of time covered by these inquiries is December 1, 2003, to the present.

Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

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

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

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

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"Identify," when used with reference to a person or persons, shall mean to state his/her full legal name, current business address, and phone number. "Identify," when used with reference to a document, shall mean to state the date, author, addressee, type of document (e.g., the types of document, as described above), a brief description of the subject matter, its present or last known location and its custodian. "Identify," when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, and current or last known business telephone number.

"Licensee" or "Fox Television Stations, Inc." shall mean the licensee of Station WTTG(TV), Washington, D.C., and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

Inquiries: Documents and Information to be Provided

1. State whether the Licensee broadcast each segment of the material described in the Complaint over Station WTTG(TV) on the date and time indicated in the Complaint and/or on that or any other dates between 6:00 a.m. and 10:00 p.m.
2. With regard to each broadcast referred to in the response to Inquiry 1 above, if the programming described in the Complaint does not accurately reflect the material broadcast over Station WTTG(TV), describe any inaccuracies.
3. With regard to each broadcast referred to in the response to Inquiry 1 above, provide any and all compact discs, tapes, transcripts or other Documents reproducing or discussing the material reflected in the Complaint, plus the fifteen (15) minutes of material broadcast immediately before and after the material referred to in the Complaint. Provide any and all such recordings on video compact disc (CD-R) and a written transcript of the material contained in each recording.
4. With regard to each segment of the material described in the Complaint, state whether the Licensee broadcast all or any portion of the segment over any station licensed to it other than Station WTTG(TV). If tapes, transcripts, or other Documents relating to the broadcast of the material over any such station do not exist, but the station regularly aired the program containing the material, provide Documents that establish that the station did not, in fact, air the material.

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5. If the answer to Inquiry 4 above is "yes," provide, for each broadcast referred to in the response to Inquiry 4, above:
 - a. the call sign, community of license and licensee;
 - b. the date(s) and time(s) of the broadcast(s);
 - c. if only a portion of the material was broadcast, describe the material so broadcast;
 - d. if the Complaint does not accurately reflect the material broadcast, describe any inaccuracies; and
 - e. any and all compact discs, audio tapes, transcripts or other Documents reproducing, discussing, or otherwise relating to the material so broadcast over the station. Provide any such recordings on video compact disc (CD-R). Also provide a written transcript of the material contained in the recording.
6. With regard to each segment of material described in the Complaint, identify each station licensed to an entity or individual other than the Licensee that had the contractual right with Licensee to air the material in question and, for each such station, state whether the Licensee has reason to believe that the station did not air the material in question and the basis for that belief.
7. Provide copies of all Documents that provide the basis for or otherwise support the responses to Inquiries 1-6, above.

We direct the Licensee to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Licensee with personal knowledge of the representations provided in the Licensee's response, verifying the truth and accuracy of the information therein and that all of the Documents and information requested by this letter which are in the Licensee's possession, custody, control or knowledge have been produced. If multiple Licensee employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of the Licensee noted above, provide separate affidavits or declarations of each such individual that identify clearly to which responses the affiant or declarant is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein. To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment. *See* 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17.

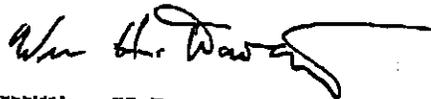
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The Licensee shall direct its response, if by messenger or hand delivery, to the attention of Dana E. Leavitt, Esq., Enforcement Bureau, Federal Communications Commission, c/o NATEK, 9300 East Hampton Drive, Capitol Heights, MD 20743. If sent by mail, the response should be sent to Ms. Leavitt, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 3C-326, Washington, D.C. 20554. The Licensee shall also, to the extent practicable, transmit a copy of the response via facsimile to Dana Leavitt at (202) 418-2644 or via email to dana.leavitt@fcc.gov.

Sincerely,



William H. Davenport
Chief, Investigations and Hearings Division
Enforcement Bureau

pw
Enclosure

Bringing Responsibility To The Entertainment Industry



EB.04.IH.0039

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) 884-1699 • Fax (703) 683-9736

January 22, 2004

RECEIVED & INSPECTED
FEB 10 2004
FCC - MAILROOM

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 850,000 members, I am filing an indecency complaint against the Fox network television program, *The Simpsons*. The episode that contained the indecent material originally aired at 8:00 p.m. Eastern and Pacific and 7:00 Central on December 7, 2003. This program was seen in homes across the country on Fox, and in Washington DC, the program aired on WTTG-TV.

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.

I look forward to your timely judgment and response.

Sincerely,

Lara Mahaney
Director of Corporate and Entertainment Affairs
Parents Television Council

Cc:

- | | | |
|------------------------|----------------|----------------|
| Chairman Powell | Sen. Hollings | Sen. Smith |
| Commissioner Abernathy | Sen. McCain | Rep. Tauzin |
| Commissioner Copps | Sen. Brownback | Rep. Dingell |
| Commissioner Martin | Sen. Dorgan | Rep. Greenwood |
| Commissioner Adelstein | Sen. Hutchison | Rep. Markey |
| | Sen. Shelby | Rep. Shimkus |
| | | Rep. Upton |



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."

FILE COPY

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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June 9, 2004

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JUN - 9 2004

Federal Communication Commission
Bureau / Office

Via Hand Delivery and Electronic Mail

Dana E. Leavitt, Esq.
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 3C-326
Washington, D.C. 20554

RE: File No. EB-04-IH-0089

Dear Ms. Leavitt:

Fox Televisions Stations, Inc. ("FTS"), licensee of television station WTTG(TV), Washington, D.C., hereby responds to the letter dated May 10, 2004, from William H. Davenport, Chief, Investigations and Hearings Division (the "LOI"), with regard to the above-referenced matter. Consistent with FTS' understanding with William D. Freedman, Deputy Chief, Investigations and Hearings Division, enclosed please find a CD-ROM containing an excerpt of the program *The Simpsons* that was broadcast by FTS on December 7, 2003 and that is the subject of the LOI.

In the event that the staff of the Investigations and Hearings Division requests additional information in response to the LOI, FTS will respond in an appropriate fashion. Should you have any questions concerning this submission, kindly contact the undersigned.

Dana Leavitt, Esq.
June 9, 2004
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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. C. Quale".

John C. Quale
his Attorney

cc: William D. Freedman, Esq.

The Simpsons -- December 7, 2003
File No. EB-04-IH-0089

