



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

January 7, 2004

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**AND FACSIMILE (202) 824-6510**

Fox Television Stations, Inc.  
5151 Wisconsin Avenue, N.W.  
Washington, D.C. 20015

**Re: EB-03-IH-0617**

Dear Licensee:

The Enforcement Bureau is investigating allegations from numerous complainants that Fox Television Stations, Inc. may have broadcast certain indecent material on December 10, 2003, described in Attachment A, between approximately 8:00 and 10:00 p.m., during the program "Billboard Music Awards," over a number of its owned and operated stations, in violation of Title 18 United States Code, section 1464, 18 U.S.C. § 1464, and section 73.3999 of the Commission's rules, 47 C.F.R. § 73.3999. Complainants have also alleged that the Licensee, as defined herein, scripted the material at issue. We direct the Licensee, 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), 403, to provide the information and documents specified herein, within fourteen (14) calendar days from the date of this letter.

**Instructions**

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 (1) 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 (2) 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 (1) 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 (2) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the 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.

## 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 any visual images or language transmitted or disseminated over a television station licensed to the Licensee during the course of a television broadcast.

“Broadcast,” when used as a verb, shall mean the transmission or dissemination of a 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 tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form).

“Identify,” when used with reference to a person or persons, shall mean to state his/her full legal name, current business address, phone number and position and/or other relationship with the Licensee as of December 10, 2003, and as of the date of the Licensee’s response to this letter. “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), and 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” shall mean “Fox Television Stations, Inc.” and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, or 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 the material described in Attachment A over any station licensed to it on December 10, 2003, between 8:00 and 10:00 p.m., and/or on that and/or any other date between 6:00 a.m. and 10:00 p.m. If answered in the affirmative, for each such broadcast and station, provide the following:
  - 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. Any and all DVDs, tapes, transcripts, or other Documents reproducing, discussing or otherwise relating to the material in the broadcast. Provide, for each broadcast, a recording that includes the material described in Inquiry 1, above, and 15 minutes of the broadcast aired before and after that material. Also provide a written transcript of the material contained in each such recording.
2. If the programming described in Inquiry 1, above, and in Attachment A does not accurately reflect the material actually broadcast by Licensee, describe any inaccuracies.
3. Describe, with specificity, the process by which the remarks of each individual who spoke during the broadcast of the material described in Attachment A were prepared. If such remarks were prepared in advance of the broadcast, identify each person involved in the preparation, revision, review and/or approval of the remarks and, for each such person so identified, describe his or her role in that process.
4. Identify each person employed by or otherwise associated with the Licensee who prepared, revised, reviewed, approved and/or otherwise had knowledge of the remarks described in Inquiry 1, above, prior to the broadcast. For each such person, describe, with particularity, his or her role in that process.

5. Did any or all of the broadcast remarks described in Inquiry 1, above, deviate from the remarks that were prepared, reviewed and/or approved prior to the broadcast pursuant to the processes described in the Licensee's responses to Inquiries 3 and 4, above? If so, describe any such deviation.
6. If the Licensee's response to Inquiry 5, above, is that some deviation occurred, Identify each person who made, or influenced the decision to so deviate and, if so, how, when and for what reason. For each such person, describe his or her role in that process.
7. Describe all procedures employed by the Licensee on December 10, 2003, to ensure that the broadcast of the Billboard Music Awards program did not contain any indecent or otherwise offensive language. Identify each person employed by or otherwise associated with Licensee involved in establishing those procedures and/or their implementation and, for each such person, describe with particularity his or her role with respect to establishing and/or implementing such procedures. Explain, despite the existence of any such procedures, how and why the material contained in Attachment A was, in fact, broadcast.
8. Provide copies of all Documents that support the Licensee's responses to Inquiries 1-7, above.
9. If the Licensee believes that a defense to the subject allegations exists, state concisely the nature of the defense.

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 should 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.

The Licensee should direct its response, via facsimile to (202) 418-2080 and hand-delivery, to the attention of Melanie Godschall, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, c/o Natek, Inc., 236 Massachusetts Avenue, NE, Suite 110, Washington, DC, 20002. The Licensee should also send its response, via electronic mail, to the extent practicable, to [Melanie.Godschall@fcc.gov](mailto:Melanie.Godschall@fcc.gov).

Sincerely,



William D. Freedman

Deputy Chief  
Investigations and Hearings Division  
Enforcement Bureau

Attachment

EB-03-IH-0617

ATTACHMENT A

**Excerpt from December 10, 2003, Billboard Music Awards Program**

Paris Hilton: Now, Nicole, this is a live show. Watch the bad language.

Nicole Ritchie: Okay. God.

Paris Hilton: It feels so good to be standing here tonight.

Nicole: Yeah, instead of standing in mud and cow[expletive deleted].

.....

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