



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

November 7, 2006

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sinclair Broadcasting Group, Inc.
1228 East Wilshire Boulevard
Oklahoma city, Oklahoma 73111

Re: Station WTTO(TV), Homewood, AL¹
File No. EB-06-IH-3486

Dear Licensee:

The Enforcement Bureau is investigating whether various parties, including certain licensees of radio and television stations, may have violated provisions of the Communications Act of 1934, as amended, and the Commission's rules. Specifically, we are investigating whether such licensees aired material that was paid for by a third party without making required disclosures.² We therefore direct Sinclair Broadcasting Group, Inc. ("Sinclair") to provide the information and documents, as defined herein and specified below, within forty-five (45) calendar days from the date of this letter.³

¹ This inquiry also includes: Stations WBFF(TV), Baltimore, MD; WRDC(TV), Durham, NC; WLOS(TV), Asheville, NC; WMMP(TV), Charleston, SC; WXLV-TV, Winston-Salem, NC; WMYV(TV), Greensboro, NC; WLFL(TV), Raleigh, NC; WTWC-TV, Tallahassee, FL; WEAR-TV, Pensacola, FL; WRLH-TV, Richmond, VA; WABM(TV), Birmingham, AL; WZTV(TV), Nashville, TN; WUXP-TV, Nashville, TN; WDKY-TV, Danville, KY; WKEF(TV), Dayton, OH; WSYX(TV), Columbus, OH; WSMH(TV), Flint, MI; WICS(TV), Springfield, IL; WVTV(TV), Milwaukee, WI; WICD(TV), Champaign, IL; WCGV-TV, Milwaukee, WI; WMSN-TV, Madison, WI; KBSI(TV), Cape Girardeau, MO; KDNL-TV, St. Louis, MO; KSMO-TV, Kansas City, MO; KGAN(TV), Cedar Rapids, IA; KDSM-TV, Des Moines, IA; WVCW(TV), Minneapolis, MN; KOKH-TV, Oklahoma City, OK; KOCB(TV), Oklahoma City, OK; KABB(TV), San Antonio, TX; KMYS(TV), Kerrville, TX; KETK-TV, Jacksonville, TX; KVMY(TV), Las Vegas, NV; KOVR(TV), Stockton, CA; WGME-TV, Portland, ME; WGGB-TV, Springfield, MA; WUTV(TV), Buffalo, NY; WUHV(TV), Rochester, NY; WSYT(TV), Syracuse, NY; WNYO-TV, Buffalo, NY; WPMY(TV), Pittsburgh, PA; and WPGH-TV, Pittsburgh, PA.

² See 47 U.S.C. §§ 317 and 508, and 47 C.F.R. §§ 73.1212 and 76.1615.

³ See 47 U.S.C. §§ 154(i)-(j) and 403.

Instructions

Request for Confidential Treatment. If Sinclair requests that any information or documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and documents, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b).

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

Method of Producing Documents. Each requested document, as defined herein, shall be submitted in its entirety, even if only a portion of that document is responsive to an inquiry made herein, 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.

Identification of Documents. 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). Sinclair must identify with reasonable specificity all documents provided in response to these inquiries.

Documents No Longer Available. If a document responsive to any inquiry made herein existed but is no longer available, or if Sinclair 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 Sinclair is otherwise unable to produce it.

Retention of Original Documents. With respect only to documents responsive to the specific inquiries made herein and any other documents relevant to those inquiries, Sinclair is directed to retain the originals of those documents for twelve (12) months from the date of this letter unless (a) Sinclair 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, Sinclair 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.

Continuing Nature of Inquiries. The specific inquiries made herein are continuing in nature. Sinclair 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, Sinclair must supplement its responses (a) if Sinclair 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 Sinclair after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless (a) Sinclair is directed or informed by the Enforcement Bureau in writing that Sinclair's obligation to update the record will continue for some shorter or longer period of time or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the release of such item.

Unless otherwise indicated, the period of time covered by these inquiries is December 1, 2003, to September 30, 2004.

Definitions

For purposes of this letter, the following definitions apply:

"Sinclair" shall mean Sinclair Holding Company, Inc. and any predecessor-in-interest, affiliate, parent company, any 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.

"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 and audible sounds or language transmitted or disseminated during the course of a radio or television broadcast.

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

"Program Material" shall mean the program material listed below:

(1) the following episodes of the program "The Right Side with Armstrong Williams":

- Show No. 212 "National Security," taped December 11, 2003;
- Show No. 207 "What is Faith?," taped December 11, 2003;
- Show No. 211 "Judicial Nominations," taped December 11, 2003;
- Show No. 210 "Young Americans in Government," taped December 11, 2003;
- Show No. 209 "Year End Review," taped December 11, 2003;
- Show No. 244 "O'Donnell/Aguirre," taped May 29, 2004;
- Show No. 216 "On Point with Rod Paige," taped January 8, 2004;
- Show entitled "Armstrong Debut, containing "Interview with John Gibbons," taped January 5, 2004; and,

(2) America's Black Forum, "2004 Election Countdown," taped September 12, 2004.

"Consideration" shall mean money, services and/or any other thing of value.

"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, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, notes of a meeting or telephone call, 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, current organization and position therewith. "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,"

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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 the holder of a license or other authorization issued by the Federal Communications Commission for a broadcast television or radio station, and any predecessor-in-interest, affiliate, parent company, any 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.

“Person” shall mean any individual or organization.

Inquiries: Documents and Information to be Provided

Information received pursuant to our investigation indicates that Sinclair may have aired the Program Material, during the period December 2003 through September 2004. In connection with such programming, answer the following questions:

1. For each Program Material segment as defined and identified above, state whether the Sinclair station listed above aired such material. If so, for each such Program Material segment:
 - a. identify the steps, if any, Sinclair took to determine whether the segment required sponsorship identification;
 - b. state whether Sinclair was aware of or had reason to believe that any person involved in the production of the segment paid or received consideration for the inclusion of material in the segment; and
 - c. state whether Sinclair identified the segment as sponsored, and if so, the manner in which that identification took place.

Instructions for Filing Responses

We direct Sinclair to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Sinclair with personal knowledge of the representations provided in Sinclair’s response, verifying the truth and accuracy of the information therein and that all of the information and/or recordings requested by this letter which are in Sinclair’s possession, custody, control or knowledge have been produced. If multiple Sinclair’s employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of Sinclair noted above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal

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knowledge is attesting. All such declarations provided must comply with Section 1.16 of the Commission's rules,⁴ 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.⁵ Failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act and our rules.⁶

Sinclair shall direct its response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002, to the attention of Kenneth M. Scheibel, Jr., Attorney, Investigations and Hearings Division, Enforcement Bureau, Room 4-A366, with a copy to Elizabeth H. Valinoti, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4-A366, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Kenneth M. Scheibel, Jr., Attorney, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-A435, Washington, D.C. 20554, with a copy to Elizabeth H. Valinoti, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C330, Washington, D.C. 20554. Sinclair shall also, to the extent practicable, transmit a copy of the response via email to Kenneth.Scheibel@fcc.gov and to Elizabeth.Valinoti@fcc.gov. Sinclair may direct any questions regarding this investigation to Kenneth M. Scheibel, Jr., at 202-418-1420.

Sincerely,



Benigno E. Bartolome, Jr.
Deputy Chief, Investigations & Hearings Division
Enforcement Bureau

⁴ See 47 C.F.R. § 1.16.

⁵ See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17.

⁶ See *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589 (2002); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, n. 36 (2003); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (Enf. Bur. 2004); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (Enf. Bur. 2003).