



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

August 3, 2005

**VIA FACSIMILE AT 202-824-6510**

Maureen O'Connell, Esq.  
News Corporation  
444 North Capitol Street, N.W.  
Suite 740  
Washington, D.C. 20001

Re: File No. EB-05-IH-0026

Dear Ms. O'Connell:

The Enforcement Bureau is investigating allegations contained in the enclosed redacted complaint (the "Complaint") that stations carrying Fox Television Network programming broadcast indecent material 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 aired during the broadcast of the Fox Television Network program "House" on November 30, 2004, at approximately 9:00 p.m. Eastern time. We direct the Network, 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 to the inquiry contained herein, within seven (7) calendar days from the date of this letter.

**Instructions**

If the Network 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). 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 Network 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

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states, individually as to each such item, 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.

If a Document responsive to any inquiry made herein existed but is no longer available, or if the Network is unable for any reason to produce a Document responsive to the 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 Network is otherwise unable to produce it.

With respect only to Documents responsive to the specific inquiry made herein and any other Documents relevant to this inquiry, the Network is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless (a) the Network 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 Network 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 inquiry made herein is continuing in nature. The Network is required to produce in the future any and all Documents and information that are responsive to the inquiry but not initially produced at the time, date and place specified herein. In this regard, the Network must supplement its responses (a) if the Network 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 Network 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 Network is directed or informed by the Enforcement Bureau in writing that the Network'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 November 30, 2004, to the present.

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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 a noun, shall mean any images and 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."

"Network" shall mean New Corporation 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.

Inquiry: Information to be Provided

1. Identify, by call sign, community of license, and licensee, each television station (including Network affiliates and owned-and-operated Network television stations) that broadcast the complained-of material on November 30, 2004, and/or on any other date between 6:00 a.m. and 10:00 p.m.

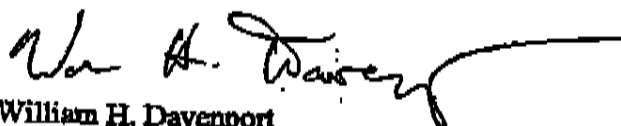
We direct the Network to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Network with personal knowledge of the representations provided in the Network's response, verifying the truth and accuracy of the information therein and that all of the information and/or recordings requested by this letter which are in the Network's possession, custody, control or knowledge have been produced. If multiple Network employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of the Network 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 knowledge is attesting. All such declarations provided must comply with

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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. Failure to respond appropriately to this Bureau letter of inquiry may constitute a violation of the Communications Act and our rules.<sup>1</sup>

The Network shall direct its response, if by messenger or hand delivery, to the attention of David Brown, Esq., Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, c/o NATEK, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by mail, the response should be sent to David Brown, Esq., Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 4-A462, Washington, D.C. 20554. The Network shall also, to the extent practicable, transmit a copy of the response via email to david.brown@fcc.gov.

Sincerely,



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

Enclosure

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<sup>1</sup> See *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Red 7589 (2002); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Red 19893, n. 36 (2003); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Red 2718 (Enf. Bur. 2004); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Red 26065 (Enf. Bur. 2003).

EB-05-IH-0026

## COMPLAINT FOR [REDACTED]

Complaint Type: Broadcast

Account Type: Residential

Congressional Complaint ☐

IC Number:	04-W9881920	Case Type:	Complaint
Date Received:	12/04/2004	Complainant:	[REDACTED]
Date Entered:	12/06/2004	Date Assigned:	12/08/2004
Entered By:	Internet User	Date Reassigned:	
Assigned To:	Lucille Danjuma/FCCIN	Service Date:	
Date Closed:	12/07/2004	Response Date:	
Closed By:	Lucille Danjuma	Original Analyst:	
Close Letter Needed?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Purged By:	Purged Date:
		Removed By:	Removed Date:

Current Status: Closed

## Associated Cases:

## Complaint Summary:

This is a indecency complaint for a new FOX show called HOUSE M.D. ; The show in question aired 11/30/04; and showed a young couple engaging in explicit sex. Although no nudity was involved; the content was very graphic !!! Not appropriate for a 9:00pm est time slot.

## Apparent Carrier:

☐ Yes ☒ Check here if you wish to serve both a Wireless and Wireless carrier.

Problem Number: 000000000			
Title: None	First Name: [REDACTED]	Middle Initial: [REDACTED]	Last Name: [REDACTED]
Contact Name:	[REDACTED]		
Contact Number:	Ext.	Best Time to Call:	Fax Number:
TTY Number:	[REDACTED]		
Email Address:	[REDACTED]		
PO Box:	[REDACTED]		
City:	[REDACTED]	State:	Zip: [REDACTED]

On Behalf Of:	
Company Name:	
Party's Name:	Relationship with the Party:
Party's Contact Number: Ext.	PO Box:
	Address:
	City/State/Zip:
Other Party that can be contacted?	
Name:	Relationship:
Contact Number: Ext.	Address:
	City/State/Zip:
Amount of credit FGC effort generated:	
Duplicate Credit Checked: Yes <input checked="" type="radio"/> No	

Contacted the companies to resolve complaint? No

If yes, name of company, name and number of company representative you spoke with:

Name: Phone: Ext:

Date you spoke with company representative:

If you contacted more than one company to resolve complaint, please list additional company(ies) name(s), name(s) and number(s) of company(ies) representatives and date you spoke to those representatives here:

Name: Phone: Etc:

Date you spoke with the second company representative:

Have you paid any of the disputed charges? No

Did the company billing for these charges adjust or refund some or all of the disputed charges? No

If yes, what was the amount of the adjustment or refund?

Willing to provide further written statements for use of the FCC or other agencies in enforcement actions against companies? Yes

Indicate the responsible carrier(s): n/a

Other Carriers Listed:

Subject Code: OTH

### ANALYSIS SECTION

Correspondence Type:

☒ Complaint ☐ Inquiry

Source Code:

E-Mail

Apparent Carrier(s):

Re-Serve Carrier(s):



Responding Carrier(s):

Assigned Subject Code:

Programming Issues

Supervisor Check:

Yes ☒ No

Activity Code:

Direct

Assigned Code Acronym:

PROG

Final Responsible Party:

Sub-Category:



Indecent (NDE)

Copy of Response Sent to Consumer by Carrier?:

Yes ☐ No

Call Sign: For

State: LA

Mediation with Carrier/Complainant?:

Yes ☐ No

Response Type:

Final Case Close-out

### Referral Information

Date Referred:

Consumer Verifies/Confirms Referral Agency Info

Referred To:

Agency Name(s):

Company Name(s):

Consumer Verifies/Confirms Referral Agency Info



### Deferral Information

Date Deferred:

Reason:

None

Date Undeferred:

### Extension Information

Extension Requested:

Yes ☒ No

Extension Granted:

Yes ☒ No

### SERVE INFORMATION

COMMENTS

**Comment History:****DOCUMENT HISTORY**

Created by FCC\_307E801  
Last Edited by Lucile Danjuma

Date 1/16/2013 12:35 PM  
Date 1/16/2013 08:52 AM

Closed by - Lucile Danjuma

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SINGAPORE  
SYDNEY  
TOKYO  
TORONTO  
VIENNA

August 10, 2005

Via Hand Delivery and Electronic MailFederal Communications Commission  
Enforcement Bureau  
Investigations and Hearings Division  
445 12th Street, S.W.  
Washington, D.C. 20554**RECEIVED - FCC****AUG 10 2005**

ATTN: David Brown, Esq. (Room 4-A462)

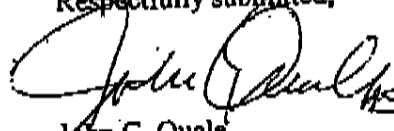
Federal Communication Commission  
Bureau / OfficeRE: File No. EB-05-IH-0026

Dear Mr. Brown:

On behalf of Fox Television Holdings, Inc., Fox Television Stations, Inc. and Fox Broadcasting Company (collectively, "Fox"), enclosed herewith please find Fox's response to the letter dated August 3, 2005, from William H. Davenport, Chief, Investigations and Hearings Division, Enforcement Bureau, with respect to the above-referenced matter.

Should you have any questions concerning this submission, please contact the undersigned.

Respectfully submitted,



John C. Quale

Counsel to Fox Television Holdings, Inc.,  
Fox Television Stations, Inc. and  
Fox Broadcasting Company

Enclosures



**RESPONSE OF FOX TELEVISION HOLDINGS, INC., FOX  
TELEVISION STATIONS, INC., AND FOX BROADCASTING  
COMPANY TO FCC LETTER OF INQUIRY\***

1. Identify, by call sign, community of license, and licensee, each television station (including Network affiliates and owned-and-operated Network television stations) that broadcast the complained-of material on November 30, 2004, and/or on any other date between 6:00 a.m. and 10:00 p.m.

**ANSWER:** Preserving all constitutional objections to the breadth of the Commission's inquiry, Fox Television Holdings, Inc., Fox Television Stations, Inc. and Fox Broadcasting Company (collectively, "Fox") respond as follows.

As Fox previously has noted,<sup>1</sup> the Commission's investigation into allegations of indecency should focus only on stations about which the Commission received a complaint. The Commission's request to identify additional stations that may have aired the material in question is inconsistent with the Commission's cautious approach to regulation of allegedly indecent programming, which recognizes that indecent speech is entitled to First Amendment protection. Consistent with that approach, the Commission does not monitor broadcasts for indecent material, but rather relies on complaints from the public. The request for information as to whether additional stations carried the program, therefore, is not relevant to the determination of whether the program was indecent. More importantly, compelling one broadcaster to report on the activities of others creates an oppressive regulatory environment that chills the exercise of First Amendment rights.

Nevertheless, in the interest of bringing this matter to a prompt conclusion, Fox is herewith providing the Commission with all of the information requested in the LOI. In doing so, however, Fox preserves any and all constitutional objections. Subject to the foregoing, Exhibit A hereto contains a list of the television stations that are owned-and-operated by wholly-owned subsidiaries of Fox Television Holdings, Inc. that broadcast the program in question (House Episode 1001: *Occam's Razor*, hereinafter "Episode 1001") on November 30, 2004. These same

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\* See Letter, Dated August 3, 2005, to Maureen O'Connell, Esq., News Corporation, from William H. Davenport, Chief, Investigations and Hearings Division, Enforcement Bureau (the "LOI").

<sup>1</sup> See, e.g., Letter from John C. Quale, Counsel to TVT License, Inc., to Melanie A. Godschall, Federal Communications Commission, Enforcement Bureau (Aug. 11, 2003), responding to the FCC's *Married By America* Letter of Inquiry (EB-03-IH-0162/MT). Fox incorporates by reference herein the arguments contained in its answer to question 4 of the *Married By America* response.

stations also broadcast Episode 1001 on March 8, 2005 with an alternate opening segment.<sup>2</sup> Exhibit B hereto contains a list of affiliates of the Fox Television Network to which Episode 1001 was made available on November 30, 2004 and on March 8, 2005 (with an alternate opening segment) and that Fox believes aired the program. Fox, however, does not have knowledge as to whether any or all of the affiliates listed in Exhibit B actually aired the program on November 30, 2004, March 8, 2005, or at any other time. Rather, Fox knows only that none of the stations listed in Exhibit B notified Fox of its intent to preempt the program.<sup>3</sup> Finally, attached hereto as Exhibit C is the declaration of Ed Wilson, President, Fox Television Network, verifying the truth and accuracy of the facts set forth in this submission.

Moreover, to the extent that the complaint attached to the LOI alleges that the material in question is indecent, Fox emphatically disagrees. The description of the material contained in the complaint does not accurately reflect the material aired by Fox. The broadcast simply did not contain "very graphic" or "explicit sex."

As the Commission is aware, the evaluation of indecency involves two determinations:

First, . . . the material must describe or depict sexual or excretory organs or activities. . . . Second, the broadcast must be *patently offensive* as measured by contemporary community standards for the broadcast medium.<sup>4</sup>

In determining whether material is patently offensive, the FCC has set forth three principal factors for evaluation: (1) the explicitness or graphic nature of the description or depiction of sexual or excretory organs or activities; (2) whether the material dwells on or repeats at length the descriptions or depictions; and (3)

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<sup>2</sup> In response to viewer feedback, Fox and the producers of House edited the opening segment of Episode 1001 purely for reasons of taste prior to the re-broadcast of the show on March 8, 2005. Fox strongly believes, as it did at the time of the original broadcast, that the November 30, 2004 version of Episode 1001 fully complies with the Commission's decency standards. A copy (on VHS tape) of the March 8, 2005 version of Episode 1001 is included herewith.

<sup>3</sup> KFXA, Cedar Rapids, Iowa, notified Fox that it aired the program in question at 10:30 p.m. Central Time on November 30, 2004 due to the station's broadcast of a college basketball game earlier in the evening.

<sup>4</sup> In re Industry Guidance on the Commission's Case Law Interpreting 18 U.S.C. § 1464 and Enforcement Policies Regarding Broadcast Indecency, 16 FCC Red 7999, 8002 (2001) (emphasis in original) (citation omitted) ("Indecency Policy Statement").

whether the material appears to pander or is used to titillate, or whether the material appears to have been presented for its shock value.<sup>5</sup>

The November 30, 2004 broadcast of *House* does not fall within the subject matter scope of the Commission's indecency definition because it does not depict or describe sexual or excretory organs or activities. The complained-of scene contains nothing more than two clothed college students on what appears to be a dorm room bed. The students are shown merely kissing, embracing, and, at one point, the female appears to straddle the other student. The episode simply contains no depiction or description of sexual organs or activities. Accordingly, the threshold requirement for a finding of indecency cannot be satisfied and there is no basis for Commission action.

Assuming that the Commission were to conclude, and it should not, that the segment did contain a description or depiction of sexual or excretory activity, none of the three factors weighs in favor of a finding of patent offensiveness. As to the first factor, the scene is in no way graphic or explicit. As noted above, it depicts two clothed students in an amorous situation. If activity described as "dry humping" does not satisfy the Commission's definition of patent offensiveness, the conduct depicted here surely does not cross the threshold.<sup>6</sup> As to the second factor (whether the material dwells on or repeats at length depictions or descriptions), the complained of scene is fleeting and accounts for only approximately 25 seconds of the hour-long episode. Finally, the segment does not pander and the material is not used to titillate or presented for "shock value." The scene is utilized as part of a critically acclaimed medical drama and is vital to the development of a storyline that the girlfriend in some way contributed to the patient's illness. Her relationship with the patient is one false lead for the team of infectious disease specialists to consider as they attempt to diagnose the patient in order to save his life. As the Commission has emphasized, the *full context* in which the material appeared is critically important.<sup>7</sup> Here, there is no doubt that the context militates against a finding of indecency.

The First Amendment is a serious constitutional limitation that demands that the Commission "proceed cautiously and with appropriate restraint."<sup>8</sup> It is clear that

<sup>5</sup> See *id.*, at 8003.

<sup>6</sup> See *In re NBC Telemundo Licensing Co., Licensee of Station WRC-TV, Washington, D.C.*, 20 FCC Rcd 4813, 4816-17 (2005) (concluding that conduct described as "dry humping" was not patently offensive).

<sup>7</sup> See Indecency Policy Statement, at 8003.

<sup>8</sup> *In re KBOO Foundation; Licensee of Noncommercial Educational Station KBOO-FM, Portland, OR*, 18 FCC Rcd 2472, ¶ 5 (2003) ("KBOO") (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)).

agency precedent and the Constitution require the Commission to deny the complaint and take no further action.

Dated: August 10, 2005

**EXHIBIT A**

The following television stations, all of which are licensed to Fox Television Stations, Inc. ("FTS") or another wholly-owned subsidiary of Fox Television Holdings, Inc., aired the "House" episode on November 30, 2004.<sup>1</sup>

<u>Station</u>	<u>Community of License</u>	<u>Licensee</u>	<u>Time Aired</u>
WNYW	New York, NY	FTS	9 – 10 p.m.
KTTV	Los Angeles, CA	FTS	9 – 10 p.m.
WFLD	Chicago, IL	FTS	8 – 9 p.m.
WTXF	Philadelphia, PA	Fox Television Stations of Philadelphia, Inc.	9 – 10 p.m.
WFXT	Boston, MA	FTS	9 – 10 p.m.
KDFW	Dallas, TX	KDFW License, Inc.	8 – 9 p.m.
WTTG	Washington, DC	FTS	9 – 10 p.m.
WAGA	Atlanta, GA	FTS	9 – 10 p.m.
WJBK	Detroit, MI	FTS	9 – 10 p.m.
KRIV	Houston, TX	FTS	8 – 9 p.m.
WTVT	Tampa, FL	TVT License, Inc.	9 – 10 p.m.
KMSP	Minneapolis, MN	FTS	8 – 9 p.m.
WJW	Cleveland, OH	WJW License, Inc.	9 – 10 p.m.
KSAZ	Phoenix, AZ	KSAZ License, Inc.	8 – 9 p.m.
KDVR	Denver, CO	FTS	8 – 9 p.m.

<sup>1</sup> The same stations aired an edited version of the same episode of "House" at the same times on March 8, 2005.

**EXHIBIT A (cont.)**

WOFL	Orlando, FL	FTS	9 - 10 p.m.
KTVI	St. Louis, MO	KTVI License, Inc.	8 - 9 p.m.
WITI	Milwaukee, WI	WITI License, Inc.	8 - 9 p.m.
WDAF	Kansas City, MO	WDAF License, Inc.	8 - 9 p.m.
KSTU	Salt Lake City, UT	FTS	8 - 9 p.m.
WBRC	Birmingham, AL	WBRC License, Inc.	8 - 9 p.m.
WHBQ	Memphis, TN	FTS	8 - 9 p.m.
WGHP	High Point, NC	WGHP License, Inc.	9 - 10 p.m.
KTBC	Austin, TX	KTBC License, Inc.	8 - 9 p.m.
WOGX	Ocala, FL	FTS	9 - 10 p.m.

**EXHIBIT B**

The following is a list of affiliates of the FOX Television Network to which the November 30, 2004 episode of the program "House" was made available and that Fox believes aired the program. Fox does not have knowledge as to whether any or all of the affiliates listed actually aired the program on November 30, 2004 (or, except as set forth below, at any other time). Rather, Fox knows only that none of the stations listed notified Fox of its intent to preempt the program on November 30, 2004.<sup>1</sup>

CALL LETTERS	LICENSEE	CITY OF LICENSE	TIME TO BE AIRED
KXVA	Star Broadcasting Corp	Abilene, TX	8 - 9 p.m.
WFXL	Waltt Broadcasting Inc.	Albany, GA	9 - 10 p.m.
WXXA	Clear Channel	Albany, NY	9 - 10 p.m.
KASA	Raycom National	Santa Fe, NM	8 - 9 p.m.
WNTZ	White Knight Broadcasting	Natchez, MS	8 - 9 p.m.
KCIT	Mission Broadcasting of Amarillo	Amarillo, TX	8 - 9 p.m.
KTBY	Piedmont Television LLC	Anchorage, AK	8 - 9 p.m.
WFXG	Southeastern Media Holdings	Augusta, GA	9 - 10 p.m.
KBFX-LP	Pappas Telecasting	Bakersfield, CA	9 - 10 p.m.
WBFF	Chesapeake TV License	Baltimore, MD	9 - 10 p.m.
WFVX-LP	Rockleel Media	Bangor, ME	9 - 10 p.m.
WGMB	Comm Corp of Baton Rouge	Baton Rouge, LA	8 - 9 p.m.
KUIL-LP	Blue Bonnet Communications	Beaumont, TX	8 - 9 p.m.
KFXO-LP	Meredith Corp.	Bend, OR	9 - 10 p.m.
KHMT	Mission Broadcasting of Amarillo	Hardin, MT	8 - 9 p.m.
WXXV	Morris Network	Gulfport, MS	8 - 9 p.m.
WICZ	Stainless Broadcasting LP	Binghamton, NY	9 - 10 p.m.
KTRV	Block Communications	Nampa, ID	8 - 9 p.m.
WUTV	WUTV Licensee, LLC	Buffalo, NY	9 - 10 p.m.
WFFF	Smith Broadcasting of Vermont	Burlington, NY	9 - 10 p.m.
KFNB	Wyomedia Corp.	Casper-Riverton, WY	8 - 9 p.m.

<sup>1</sup> The March 8, 2005 edited version of the same episode of "House" was made available to the same list of affiliates of the FOX Television Network, as well as to KBTZ, Butte-Bozemand, MT, and KLMN, Great Falls, MT, both licensed to Montana Broadcasting Group, Inc., which became affiliates of the FOX Television Network in February 2005. Fox does not have knowledge as to whether any or all of the affiliates listed actually aired the program on March 8, 2005 (or, except as set forth above, at any other time). Rather, Fox knows only that none of the stations listed notified Fox of its intent to preempt the program during its regular time slot (e.g., 9 - 10 p.m. Eastern and Pacific time; 8 - 9 p.m. Central and Mountain time) on March 8, 2005.

## EXHIBIT B (cont.)

KFXA	Second Generation IA	Cedar Rapids, IA	10:30 - 11:30 p.m. <sup>2</sup>
WRSP	Springfield Broadcasting Partners	Springfield, IL	8 - 9 p.m.
WTAT	WTAT Licensee LLC	Charleston, SC	9 - 10 p.m.
WVAH	WVAH Licensee LLC	Charleston, WV	9 - 10 p.m.
WCCB	NC Broadcasting Partners	Charlotte, NC	9 - 10 p.m.
WDSI	WDSI Licensee LLC	Chattanooga, TN	9 - 10 p.m.
KLWY	Wyomedia Corporation	Cheyenne, WY	8 - 9 p.m.
KCVU	Sainte Partners II LP	Paradise, CA	9 - 10 p.m.
WXIX	Raycom Media Inc	Newport, KY	9 - 10 p.m.
WVFX	Davis TV Clarksburg LLC	Clarksburg, WV	9 - 10 p.m.
KXRM	Raycom Media Inc	Colorado Springs, CO	8 - 9 p.m.
WACH	Raycom America Inc	Columbia, SC	9 - 10 p.m.
KQFX-LP	JW Broadcasting LLC	Columbia-Jefferson City, MO	8 - 9 p.m.
WXTX	Southeastern Media Holdings	Columbus, GA	9 - 10 p.m.
WLOV	Lingard Broadcasting Corp	West Point, MS	8 - 9 p.m.
WTTE	Sindlar Broadcast Group Inc	Columbus, OH	9 - 10 p.m.
KDF-LP	KVOA Communications Inc	Corpus Christi, TX	8 - 9 p.m.
KLJB	Quad Cities TV	Deavenport, IA	8 - 9 p.m.
WRGT	WRGT Licensee LLC	Dayton, OH	9 - 10 p.m.
KDSM	KDSM Licensee LLC	Des Moines, IA	8 - 9 p.m.
WDFX	Waltt Broadcasting Inc.	Ozark, AL	8 - 9 p.m.
KQDS	KQDS Acquisition Corp	Duluth, MS	8 - 9 p.m.
KFOX	KTVU Partnership	El Paso, TX	8 - 9 p.m.
WYDC	Vision Communication LLC	Coming, NY	9 - 10 p.m.
WFXP	Mission Broadcasting of Wichita Falls	Erie, PA	9 - 10 p.m.
KLSR	Cal-Oregon Broadcasting	Eugene, OR	9 - 10 p.m.
KBYU	Sainte Sepulveda Inc	Eureka, CA	9 - 10 p.m.
WTWV	GNS Media Evansville Inc	Evansville, IN	8 - 9 p.m.
KFXF	Tanana Valley TV Co	Fairbanks, AK	9 - 10 p.m.
KVRR	Red River Broadcast Co LLC	Fargo, ND	8 - 9 p.m.
WSMH	WSMH Licensee LLC	Flint, MI	9 - 10 p.m.
KMPH	Pappas Telecasting	Fresno, CA	9 - 10 p.m.
WFTX	Emmis Broadcasting Corp	Cape Coral, FL	9 - 10 p.m.
KPBI-LP	Ft. Smith 46 Inc	Ft. Smith, AR	8 - 9 p.m.
WFFT	Quorum Broadcasting Co II Inc	Ft. Wayne, IN	9 - 10 p.m.
KFOX	John Harvey Rees	Grand Junction, CO	8 - 9 p.m.
WXMI	Tribune Broadcasting Company	Grand Rapids, MI	9 - 10 p.m.
WLWK	Emmis Broadcasting Corp	Green Bay, WI	8 - 9 p.m.
WFXI	Piedmont Television LLC	Morehead City, NC	9 - 10 p.m.
WHNS	Meredith Corp.	Asheville, NC	9 - 10 p.m.

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KFXA, Cedar Rapids, Iowa, notified Fox that it aired the November 30, 2004 episode of "House" from 10:30 - 11:30 p.m. Central time due to the station's broadcast of a live college basketball game earlier in the evening.



**EXHIBIT B (cont.)**

WPMT	Channel 43 Inc	York, PA	8 - 10 p.m.
WTIC	Tribune Broadcasting Company	Hartford, CT	9 - 10 p.m.
KHON	Emmis Broadcasting Corp	Honolulu, HI	8 - 9 p.m.
WZDX	Huntsville TV Acquisition	Huntsville, AL	8 - 9 p.m.
KFXP	Compass Communications of ID	Pocatello, ID	8 - 9 p.m.
WXIN	Tribune Broadcasting Company	Indianapolis, IN	9 - 10 p.m.
WUFX	Mississippi Television, LLC	Jackson, MS	8 - 9 p.m.
WAWS	Clear Channel	Jacksonville, FL	9 - 10 p.m.
WWCP	Peak Media LLC	Johnstown, PA	9 - 10 p.m.
KFJX-LP	Surfsey Productions	Joplin-Pittsburg, MO	8 - 9 p.m.
WTNZ	Reycom America Inc	Knoxville, TN	9 - 10 p.m.
WLAX	Grant Media Inc	La Crosse, WI	8 - 9 p.m.
KADN	Communication Corp	Lafayette, LA	8 - 9 p.m.
KVHP	National Communication Inc	Lake Charles, LA	8 - 9 p.m.
WSYM	Journal Broadcast Corp	Lansing, MI	9 - 10 p.m.
KVVU	Meredith Corp.	Henderson, NV	9 - 10 p.m.
WDKY	WDKY Licensee LLC	Danville, KY	9 - 10 p.m.
WOHL	TV-67 Inc	Lima, OH	9 - 10 p.m.
KTVG	Hill Broadcasting Co	Grand Island, NE	8 - 9 p.m.
KLRT	Clear Channel	Little Rock, AR	8 - 9 p.m.
WDRB	Independence Television Co	Louisville, KY	9 - 10 p.m.
KJTV	Ramar Comm Inc	Lubbock, TX	8 - 9 p.m.
WGXA	Piedmont TV of Macon	Macon, GA	9 - 10 p.m.
WMSN	WMSN Licensee LLC	Madison, WI	8 - 9 p.m.
WMQF	Montana Broadcasting Group	Marquette, MI	9 - 10 p.m.
KMYU	Northwest Broadcasting Inc	Medford, OR	9 - 10 p.m.
WSVN	Sunbeam Television	Miami, FL	9 - 10 p.m.
KNDX	Prime Cities Broadcasting Inc	Bismarck, ND	8 - 9 p.m.
KMMF	Montana Broadcasting Group	Missoula, MT	8 - 9 p.m.
WALA	Emmis Broadcasting Corp	Mobile, AL	8 - 9 p.m.
KARD	Quorum of Louisiana License	West Monroe, LA	8 - 9 p.m.
KCBA	Seal Rock Broadcasters LLC	Salinas, CA	9 - 10 p.m.
WCOV	Woods Communications	Montgomery, AL	8 - 9 p.m.
WFXB	GE Media, Inc.	Myrtle Beach-Florence, SC	9 - 10 p.m.
WZTV	WZTV Licensee LLC	Nashville, TN	8 - 9 p.m.
WVUE	Emmis Broadcasting Corp	New Orleans, LA	8 - 9 p.m.
WVBT	WAVY Broadcasting LLC	Virginia Beach, VA	9 - 10 p.m.
KIIT	Greater Nebraska Television	North Platte, NE	8 - 9 p.m.
KPEJ	Comm Corp of Texas	Odessa, TX	8 - 9 p.m.
KOKH	Sinclair Broadcast Group Inc	Oklahoma City, OK	8 - 9 p.m.
KPTM	Pappas Telecasting	Omaha, NE	8 - 9 p.m.
KYOU	Walff Broadcasting Inc.	Ottumwa, IA	8 - 9 p.m.
KBSI	Sinclair Broadcast Group Inc	Cape Girardeau, MO	8 - 9 p.m.
KDFX	Pacific Media Corp	Indio, CA	9 - 10 p.m.
WPGX	Walff License Co of FL Inc	Panama City, FL	8 - 9 p.m.

## EXHIBIT B (cont.)

WYZZ	Sinclair Broadcast Group Inc	Bloomington, IL	8 - 9 p.m.
WPGH	WPGH Licensee LLC	Pittsburgh, PA	9 - 10 p.m.
KPTV	Meredith Corp.	Portland, OR	9 - 10 p.m.
WPFO	Corporate Media Group	Portland-Auburn, ME	9 - 10 p.m.
WNAC	WNAC LLC	Providence, RI	9 - 10 p.m.
WRAZ	Capitol Broadcasting	Raleigh, NC	9 - 10 p.m.
KEVN	KEVN Inc	Rapid City, SD	8 - 9 p.m.
KRXI	KTVU Partners Inc	Reno, NV	9 - 10 p.m.
WRLH	WRLH Licensee LLC	Richmond, VA	9 - 10 p.m.
WFXR	Grant Broadcasting	Roanoke, VA	9 - 10 p.m.
KXLT	Shockley Broadcasting LLC	Rochester, MN	8 - 9 p.m.
WUHF	WUHF Licensee LLC	Rochester, NY	9 - 10 p.m.
WQRF	PMI Holdings Inc	Rockford, IL	8 - 9 p.m.
KTXL	Tribune Broadcasting Company	Sacramento, CA	9 - 10 p.m.
KIDY	Sage Broadcasting	San Angelo, TX	8 - 9 p.m.
KABB	KABB Licensee LLC	San Antonio, TX	8 - 9 p.m.
XETV	Radio-Television SA de CV	Tijuana, BN	9 - 10 p.m.
KTVU	KTVU Inc	Oakland, CA	9 - 10 p.m.
KKFX	Clear Channel	San Luis Obispo, CA	9 - 10 p.m.
WTGS	Bluenose Broadcasting of Savannah LLC	Hardeeville, SC	9 - 10 p.m.
KCPQ	Telbune Broadcasting Company	Tacoma, WA	9 - 10 p.m.
KMSS	Communication Corp of Texas	Shreveport, LA	8 - 9 p.m.
KPTH	Pappas Telecasting	Sioux City, IA	8 - 9 p.m.
KTTW	Independent Comm Inc	Sioux Falls, SD	8 - 9 p.m.
WSJV	Quincy Newspapers	Elkhart, IN	8 - 9 p.m.
KAYU	Mountain License LP	Spokane, WA	9 - 10 p.m.
KSFX	Nexstar Broadcasting Group	Springfield, MO	8 - 9
WSYT	Sinclair Broadcast Group Inc	Syracuse, NY	9 - 10 p.m.
WTLH	WTLH License Corp	Bainbridge, GA	9 - 10 p.m.
WFXW (prev. WBAK)	Mission Broadcasting	Terre Haute, IN	9 - 10 p.m.
WUPW	Lin Television Corp	Toledo, OH	9 - 10 p.m.
KTMJ	Montgomery Communications Inc	Topeka, KS	8 - 9 p.m.
WFQX	Rockfleet Broadcasting Inc	Cadillac, MI	9 - 10 p.m.
WEMT	Sinclair Broadcast Group Inc	Greeneville, TN	9 - 10 p.m.
KMSB	KMSB-TV Inc	Tucson, AZ	8 - 9 p.m.
KOKI	Clear Channel	Tulsa, OK	8 - 9 p.m.
KXTF	Falls Broadcasting Co	Twin Falls, ID	8 - 9 p.m.
KFXK	White Knight Broadcasting of Longview	Longview, TX	8 - 9 p.m.
WFXV	Quorum of Utica License LLC	Utica, NY	9 - 10 p.m.
KVCT	Sunsey Broadcasting	Victoria, TX	8 - 9 p.m.
KWKT	Communication Corp of Texas	Waco, TX	8 - 9 p.m.
WNYF-LP	Watertown Television Corp	Watertown, NY	9 - 10 p.m.
WFXS	Davis TV Wausau LLC	Wittenberg, WI	8 - 9 p.m.
WFLX	Raycom Media Inc	West Palm Beach, FL	9 - 10 p.m.

**EXHIBIT B (cont.)**

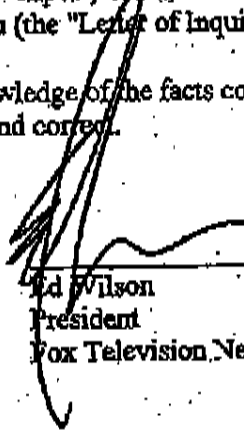
KJTL	Mission Broadcasting of Wichita Falls	Wichita Falls, TX	8 – 9 p.m.
KSAS	Clear Channel	Wichita, KS	8 – 9 p.m.
WOLF	WOLF License Corp	Hazleton, PA	9 – 10 p.m.
WSEF	Southeastern Media Holdings	Wilmington, NC	9 – 10 p.m.
KCYU	Mountain License LP	Yakima, WA	9 – 10 p.m.
WYFX	Piedmont Television of Youngstown	Youngstown, OH	9 – 10 p.m.
KEYY	Pacific Media Corp	El Centro, CA	8 – 9 p.m.

## EXHIBIT C

## DECLARATION

Under penalty of perjury, Ed Wilson hereby states as follows:

1. I am President of the Fox Television Network.
2. I have read the foregoing Response of Fox Television Holdings, Inc., Fox Television Stations, Inc. and Fox Broadcasting Company to the FCC Letter of Inquiry, dated August 10, 2005, which is responsive to the letter, dated August 3, 2005, to Maureen O'Connell, Esq., News Corporation, from William H. Davenport, Chief, Investigations and Hearings Division, Enforcement Bureau (the "Letter of Inquiry").
3. I have personal knowledge of the facts contained therein and declare that such facts are true and correct.



Ed Wilson  
President  
Fox Television Network

August 10, 2005