

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
GNH PRODUCTIONS INC.)
For a Declaratory Ruling Regarding the Syndicated)
Television Program "Crime Watch Daily")

DECLARATORY RULING

Adopted: August 10, 2015

Released: August 10, 2015

By the Assistant Chief, Policy Division, Media Bureau:

1. In this Order, we grant a request for declaratory ruling filed by GNH Productions Inc. ("GNH"), producer of a television program entitled "Crime Watch Daily." GNH states that this program will air every weekday beginning in September 2015. In its request, GNH asks the Commission to declare that the subject program qualifies as a bona fide newscast and is, therefore, exempt from the equal opportunities provisions of Section 315 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 315.

2. Section 315(a) of the Act provides that, if a licensee allows a legally qualified candidate for public office to use a broadcast station, it must afford equal opportunities to other such candidates for that office. Section 315(a) also states, however, that appearances by legally qualified candidates on four categories of bona fide news programming, including bona fide newscasts (Section 315(a)(1)), are exempt from equal opportunities requirements. Congress qualified all four categories of exempt news programming with the term "bona fide," which "was intended to emphasize Congress' intent that the program be of genuine news value and not be designed to serve the political advantage of any particular candidacy." In deciding that "Entertainment Tonight" (and its 60-minute weekend version "Entertainment This Week") qualified as a bona fide newscast in 1988, the Mass Media Bureau stated that its "role is not to decide, by some qualitative analysis, whether one kind of news story is more bona fide than another." It further stated that, "[s]o long as the program characteristics set out by Congress are met, [its] role is properly limited to determining whether a broadcaster was reasonable in deciding that a program fits within an exemption."

3. In considering whether the format of a program qualifies as a "bona fide newscast," the Commission considers "whether the program reports news of some area of current events, in a manner

1 See Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from F. William LeBeau, Esq., Holland & Knight, dated June 8, 2015 ("Request").

2 In re Request of Oliver Productions, Inc. For Declaratory Ruling, 4 FCC Rcd 5953, 5953 (1989), citing Henry Geller, 95 FCC 2d 1236 (1983).

3 Paramount Pictures Corp., 3 FCC Rcd 245, 245-46 (MMB 1988) ("Entertainment Tonight"). See also Telepictures Productions Inc., 23 FCC Rcd. 7168 (MB 2008); Rev. Donald L. Lanier, 37 FCC 2d 952 (B/c Bur. 1972) (granting newscast exemption to a program dealing entirely with current religious news); Request of TTT West Coast, Inc. For Declaratory Ruling, 9 FCC Rcd 6168 (MMB 1994) (program "Extra" found to be bona fide newscast exempt from equal opportunities provision).

similar to more traditional newscasts.”⁴ GNH states that “Crime Watch Daily” meets the Section 315(a)(1) criteria for a *bona fide* newscast and is, therefore, exempt from the equal opportunities requirements of Section 315(a). It contends that

[t]hrough its host and three primary reporters/correspondents, as well as through relationships with news affiliates around the country, [“Crime Watch Daily”] intends to cover crime-related news, including multiple newsworthy trials or other crime-related matters each day, using a format similar to other news magazine shows, and including interviews, on-the-spot coverage, and documentary or other footage.⁵

GNH further states that it will independently produce “Crime Watch Daily.” It affirms that the coverage and stories to be included in each program “will be selected by [“Crime Watch Daily”] producers and its personnel based on determinations of newsworthiness using their good faith journalistic judgment, and not for the purpose of advancing or harming any candidate for public office.”⁶ GNH anticipates that “Crime Watch Daily” will cover cases that “potentially involve elected law enforcement officials, including judges, sheriffs and district attorneys, or other possible candidates,” and therefore seeks a ruling that it is entitled to an exemption from equal opportunities.⁷

4. Based on the record before us, we conclude that “Crime Watch Daily” does qualify as a *bona fide* newscast because it reports news of some area of current events, in a manner similar to more traditional newscasts. In addition, we have no evidence before us of bad faith or unreasonableness on the part of GNH. Therefore, appearances by candidates on “Crime Watch Daily” are exempt from the equal opportunities requirements of Section 315(a).

5. We note that, whenever a news exemption is sought for an independently produced program, “licensees must still make a determination to air individual programs in the exercise of their *bona fide* news judgment.”⁸ Accordingly, the licensees of the stations on which the subject program airs remain ultimately responsible for a determination to air a particular program and should not do so for the political advantage of a candidate for public office.⁹

6. Accordingly, GNH’s request for declaratory ruling IS GRANTED because we find that “Crime Watch Daily” qualifies for the *bona fide* newscast exemption under Section 315(a)(1).

FEDERAL COMMUNICATIONS COMMISSION

Robert L. Baker
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⁴ *Oliver*, 4 FCC Rcd at 5953, citing *Entertainment Tonight*, 3 FCC Rcd at 246.

⁵ Request at 2.

⁶ *Id.*

⁷ *Id.*

⁸ *Request for Declaratory Ruling on Independently Produced News Interviews*, 7 FCC Rcd 4681, 4685 (1981).

⁹ *Id.*