

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DA 96-1435

August 19, 1996

IN REPLY REFER TO:
1800C1-CMW
94011533/96070109

Mary Lou Joseph, Vice President, Member Services
National Public Radio
635 Massachusetts Avenue, N.W.
Washington, D.C. 20001-3753

Dear Ms. Joseph:

We are in receipt of your June 19, 1996, pleading, titled a "Petition for Reconsideration," regarding our letter of admonition issued to Christian Broadcasting, Inc., the licensee of Station KATB(FM), Anchorage, Alaska, for airing certain underwriting acknowledgements. Christian Broadcasting, Inc., 11 FCC Rcd 5779 (MMB 1996). Your pleading seeks clarification of the Commission's position with regard to the broadcast of a certain phrase, "daily luncheon specials and espressos with delivery," at issue in that decision. Accordingly, we shall treat your pleading as a request for clarification of our letter ruling.

In the letter of admonition, we determined that KATB's airing of an announcement containing the phrase "daily luncheon specials and espressos with delivery," constituted a violation of noncommercial rules and policies. Specifically, we held that the announcement, and that phrase in particular, constituted or conveyed prohibited price information. You contend that the phrase does not always convey or imply price information. We agree that a licensee may make a reasonable, good faith determination that the phrase "lunch specials" constitutes a value neutral description of an underwriter's products or services, and that it does not necessarily convey price information. In the context of KATB's announcement, however, the entire phrase seemed to indicate a special inducement, by way of a discount or free items, possibly tied to deliveries. If KATB had demonstrated or claimed in response to our inquiry that we had misunderstood the intent of that announcement, we would not have included it in the admonition.

We do not believe that reconsideration of our letter ruling is warranted. However, to the extent that it engendered any confusion, we hereby clarify that the phrase "lunch specials" is not inherently violative of our noncommercial rules and policies. Rather, as is true for any determination we make in this area, our finding was based on the specific facts of the case before us.

Sincerely,

Norman Goldstein, Chief
Complaints & Political Programming Branch
Enforcement Division
Mass Media Bureau

cc: Christian Broadcasting, Inc.