

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

In the Matter of )
Complaints Against Various Licensees Regarding )
Their Broadcast Of The Fox Television Network ) NAL/Acct. No. 200532080003
Program "Married By America" On April 7, 2003 ) File No. EB-03-IH-01621

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: October 5, 2004

Released: October 12, 2004

By the Commission: Commissioner Martin issuing a statement.

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture ("NAL"), issued pursuant to section 503(b) of the Communications Act of 1934, as amended (the "Act"), and section 1.80 of the Commission's rules, we find that the licensees of 169 Fox Television Network stations ("Fox Network Stations") apparently broadcast indecent material during an episode of the Fox program "Married By America" on April 7, 2003, in apparent willful violation of the federal restrictions regarding the broadcast of indecent material. Based on our review of the facts and circumstances in this case, we conclude that the licensees are apparently liable for monetary forfeitures in the amount of \$7,000 for each of their respective stations that broadcast the material at issue, for a total proposed forfeiture of \$1,183,000.

II. BACKGROUND

2. "Married By America" was a "reality-based" television program in which several single adults agreed to be engaged to and potentially marry each other, even though they had never previously met. The April 7, 2003 episode of the program focused on the Las Vegas bachelor and bachelorette parties for the remaining two couples. These parties featured strippers and various sexual situations. Following that broadcast, the Commission received 159 complaints alleging that the "Married By America" episode contained indecent material. After reviewing the complaints and a videotape of the

1 The Attachment hereto lists the FCC Registration Numbers ("FRNs"), Facility Identification Numbers, and NAL account numbers for the licensees and stations involved in this proceeding.

2 47 U.S.C. § 503(b); 47 C.F.R. § 1.80.

3 For purposes of this NAL, the "Fox Network Stations" include: (i) the television stations identified in the Attachment that are licensed to or ultimately controlled by Fox Entertainment Group, Inc. ("Fox Stations"); and (ii) the television stations identified in the Attachment that are Fox Television Network affiliates but not licensed to or ultimately controlled by Fox ("Fox Affiliates").

4 See, e.g., E-mail from Complainant to Michael Powell, Chairman, Federal Communications Commission, et al., dated April 30, 2003.

subject episode, the Enforcement Bureau directed a letter of inquiry (“LOI”) to TVT License, Inc., licensee of Station WTVT(TV), Tampa, Florida, seeking further information about the episode.<sup>5</sup> By letters dated August 11 and September 9, 2003, Fox responded to the LOI.<sup>6</sup>

3. In its responses, Fox states that all of the Fox Stations identified in the Attachment hereto broadcast “Married By America” prior to 10:00 p.m. on the date in question. Fox also states that none of the Fox Affiliates identified in the Attachment notified Fox that it declined to air the program.<sup>7</sup> Fox maintains that the “Married By America” episode in question did not contain descriptions or depictions of sexual or excretory organs or activities and, even if it did, the material was not patently offensive.<sup>8</sup>

### III. DISCUSSION

4. The Federal Communications Commission is authorized to license radio and television broadcast stations and is responsible for enforcing the Commission’s rules and applicable statutory provisions concerning the operation of those stations. The Commission’s role in overseeing program content is very limited. The First Amendment to the United States Constitution and section 326 of the Act prohibit the Commission from censoring program material and from interfering with broadcasters’ freedom of expression.<sup>9</sup> The Commission does, however, have the authority to enforce statutory and regulatory provisions restricting indecency and obscenity. Specifically, it is a violation of federal law to broadcast obscene or indecent programming. Title 18 of the United States Code, section 1464, prohibits the utterance of “any obscene, indecent or profane language by means of radio communication.”<sup>10</sup> In addition, consistent with a subsequent statute and court case,<sup>11</sup> section 73.3999 of the Commission’s rules provides that radio and television stations shall not broadcast indecent material during the period 6 a.m. through 10 p.m.<sup>12</sup>

5. As an initial matter, we find that the episode of “Married By America” that is the subject of this *NAL* was indeed broadcast on April 7, 2003, over each of the Fox Stations and Fox Affiliates identified in the Attachment.<sup>13</sup> We further conclude that the stations listed in the Attachment apparently broadcast the program prior to 10 p.m., local time.

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<sup>5</sup> See Letter to TVT License, Inc., from Maureen F. Del Duca, Chief, Investigations and Hearings Division, Enforcement Bureau, dated July 10, 2003 (“LOI”).

<sup>6</sup> As a subsidiary of Fox Entertainment Group, Inc., TVT License, Inc. responded to the LOI on behalf of all Fox owned and operated stations. See Letter to Melanie A. Godschall, Investigations and Hearings Division, Enforcement Bureau, from John C. Quale, Skadden, Arps, Slate, Meagher & Flom, LLP, dated August 11, 2003 (“LOI Response”); Letter to William D. Freedman, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, from John C. Quale, Skadden, Arps, Slate, Meagher & Flom, LLP, dated September 9, 2003 (“Supplemental LOI Response”).

<sup>7</sup> Supplemental LOI Response at Exhibits A and B.

<sup>8</sup> LOI Response at 8.

<sup>9</sup> See 47 U.S.C. § 326.

<sup>10</sup> 18 U.S.C. § 1464.

<sup>11</sup> Public Telecommunications Act of 1992, Pub. L. No. 102-356, 106 Stat. 949 (1992); *Action for Children’s Television v. FCC*, 58 F.3d 654 (D.C. Cir 1995), *cert. denied*, 516 U.S. 1043 (1996) (“*Act III*”).

<sup>12</sup> 47 C.F.R. § 73.3999.

<sup>13</sup> See note 7, *supra*, and accompanying text. As noted above, the Attachment hereto identifies the Fox Stations and Fox Affiliates that apparently broadcast the April 7, 2003 episode of “Married By America.” We note that the list does not include all Fox affiliate stations; for example, the list omits Station WRAZ-TV, Raleigh-Durham, North

## A. Indecency Analysis

6. Any consideration of government action against allegedly indecent programming must take into account the fact that such speech is protected under the First Amendment.<sup>14</sup> The federal courts consistently have upheld Congress's authority to regulate the broadcast of indecent material, as well as the Commission's interpretation and implementation of the governing statute.<sup>15</sup> Nevertheless, the First Amendment is a critical constitutional limitation that demands that, in indecency determinations, we proceed cautiously and with appropriate restraint.<sup>16</sup>

7. The Commission defines indecent speech as language that, in context, depicts or describes sexual or excretory activities or organs in terms patently offensive as measured by contemporary community standards for the broadcast medium.<sup>17</sup> Indecency findings involve at least two fundamental determinations. First, the material alleged to be indecent must fall within the subject matter scope of our indecency definition -- that is, 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>18</sup>

8. Turning to the instant case, we begin our analysis with an examination of whether the material at issue depicts or describes sexual or excretory organs or activities. As noted above, the April 7, 2003, episode of "Married By America" focuses on bachelor and bachelorette parties in a Las Vegas hotel. Fox contends that these scenes do not depict or describe sexual or excretory organs or activity, arguing that its editing of the broadcast avoided any such depictions.<sup>19</sup> We reject Fox's claim. Even with Fox's editing, the episode includes scenes in which party-goers lick whipped cream from strippers' bodies

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Carolina, which is owned and operated by Capitol Broadcasting Company ("Capitol"). According to a Capitol press release, following the March 5, 2003 episode of "Married By America," Capitol "decided that the program did not reflect prevailing standards of good taste and that the show was clearly demeaning to the institution of marriage." See Capitol Broadcasting Press Release, *WRMZ-TV/FOX 50 To Preempt Future Broadcasts of Married by America* (March 9, 2003), available at [http://www.cbc-raleigh.com/inside\\_cbc/2003%20news/030903fx.htm](http://www.cbc-raleigh.com/inside_cbc/2003%20news/030903fx.htm). Accordingly, Capitol refused to broadcast additional episodes of the program, including the episode at issue here. *Id.* See also Testimony of James Goodmon, President and CEO of Capitol Broadcasting Company, *Broadcast Localism Hearing, Charlotte, North Carolina, October 22, 2003*, at 144-145, at <http://www.fcc.gov/localism/hearing-charlotte102203.html>.

<sup>14</sup> U.S. Const., amend. I; *Action for Children's Television v. FCC*, 852 F.2d 1332, 1344 (D.C. Cir. 1988) ("*ACT I*").

<sup>15</sup> Title 18 of the United States Code, Section 1464 (18 U.S.C. § 1464), prohibits the utterance of "any obscene, indecent or profane language by means of radio communication." *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978). See also *ACT I*, 852 F.2d at 1339; *Action for Children's Television v. FCC*, 932 F.2d 1504, 1508 (D.C. Cir. 1991), *cert. denied*, 503 U.S. 914 (1992) ("*ACT II*"); *ACT III*, 58 F.3d 654.

<sup>16</sup> *ACT I*, 852 F.2d at 1344 ("Broadcast material that is indecent but not obscene is protected by the First Amendment; the FCC may regulate such material only with due respect for the high value our Constitution places on freedom and choice in what people may say and hear."); *id.*, 852 F.2d at 1340, n.14 ("the potential chilling effect of the FCC's general definition of indecency will be tempered by the Commission's restrained enforcement policy.").

<sup>17</sup> *Infinity Broadcasting Corporation of Pennsylvania*, Memorandum Opinion and Order, 2 FCC Rcd 2705 (1987) (subsequent history omitted) (citing *Pacifica Foundation*, Memorandum Opinion and Order, 56 FCC 2d 94, 98 (1975), *aff'd sub nom. FCC v. Pacifica Foundation*, 438 U.S. 726 (1978)).

<sup>18</sup> *Industry Guidance on the Commission's Case Law Interpreting 18 U.S.C. §1464 and Enforcement Policies Regarding Broadcast Indecency*, Policy Statement, 16 FCC Rcd 7999, 8002, ¶¶ 7-8 (2001) ("*Indecency Policy Statement*") (emphasis in original).

<sup>19</sup> LOI Response at 8.

in a sexually suggestive manner. Another scene features a man on all fours in his underwear as two female strippers playfully spank him. Although the episode electronically obscures any nudity, the sexual nature of the scenes is inescapable, as the strippers attempt to lure party-goers into sexually compromising situations. Accordingly, we conclude that the broadcast satisfies the first prong of our indecency analysis and warrants further scrutiny to determine whether it was patently offensive as measured by contemporary community standards for the broadcast medium.<sup>20</sup>

9. In our assessment of whether broadcast material is patently offensive, “the *full context* in which the material appeared is critically important.”<sup>21</sup> Three principal factors are significant to this contextual analysis: (1) the explicitness or graphic nature of the description; (2) whether the material dwells on or repeats at length descriptions of sexual or excretory organs or activities; and (3) whether the material appears to pander or is used to titillate or shock.<sup>22</sup> In examining these three factors, we must weigh and balance them to determine whether the broadcast material is patently offensive because “[e]ach indecency case presents its own particular mix of these, and possibly, other factors.”<sup>23</sup> In particular cases, the weight of one or two of the factors may outweigh the others, either rendering the broadcast material patently offensive and consequently indecent,<sup>24</sup> or, alternatively, removing the broadcast material from the realm of indecency.<sup>25</sup>

10. We find that the material described above is sufficiently graphic and explicit to be indecent, particularly in light of our analysis of the last two factors. Contrary to Fox’s assertion,<sup>26</sup> merely obscuring (or “pixilating”) sexual organs does not necessarily remove a broadcast from our indecency analysis. As noted above, we must assess each broadcast on its “*full context*.” In this case, Fox obscures the depiction of sexual organs in the episode, but the pixilation does little to obscure the overtly sexual and gratuitous nature of the bachelor/bachelorette party scenes. These scenes show, for example, partially clothed strippers, such as a topless woman with her breasts pixilated, straddling a man in a sexually suggestive manner; two partially clothed female strippers kissing each other above a male; two partially clothed strippers rubbing a man's stomach; a male stripper about to put a woman's hand down the front of his pants; and a man in his underwear on all fours being spanked by two topless strippers. The scenes also show one of the bachelorettes straddling and touching a topless female stripper and then licking whipped cream off the stripper's stomach and bare chest while the stripper holds her own breasts. Although the nudity was pixilated, even a child would have known that the strippers were topless and that sexual activity was being shown. *See Pacifica*, 438 U.S. at 749.

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<sup>20</sup> The “contemporary standards for the broadcast medium” criterion is that of an average broadcast listener and with respect to Commission decisions, does not encompass any particular geographic area. *See id.*, 16 FCC Rcd at 8002, ¶ 8 and n. 15.

<sup>21</sup> *Id.*, 16 FCC Rcd at 8002, ¶ 9 (emphasis in original).

<sup>22</sup> *Id.*, 16 FCC Rcd at 8002-15, ¶¶ 8-23.

<sup>23</sup> *Id.*, 16 FCC Rcd at 8003, ¶ 10.

<sup>24</sup> *Id.*, 16 FCC Rcd at 8009, ¶ 19 (citing *Tempe Radio, Inc (KUPD-FM)*, Notice of Apparent Liability, 12 FCC Rcd 21828 (Mass Media Bur. 1997) (forfeiture paid) (extremely graphic or explicit nature of references to sex with children outweighed the fleeting nature of the references); *EZ New Orleans, Inc. (WEZB(FM))*, Notice of Apparent Liability, 12 FCC Rcd 4147 (Mass Media Bur. 1997) (forfeiture paid) (same)).

<sup>25</sup> *Id.*, 16 FCC Rcd at 8010, ¶ 20 (“the manner and purpose of a presentation may well preclude an indecency determination even though other factors, such as explicitness, might weigh in favor of an indecency finding”).

<sup>26</sup> LOI Response at 8.

11. We also reject Fox's claim that the sexual material is fleeting.<sup>27</sup> Indeed, the opposite is true. The entire segment, lasting about six minutes, focuses on the bachelor/bachelorette parties, and strippers are featured prominently throughout the accompanying scenes attempting to lure participants into sexual activities. Under any reasonable interpretation, the material plainly dwells on matters of a sexual nature.

12. Finally, we find that the material is intended to pander to and titillate the audience. Fox contends that "all of the scenes are an integral part of the storyline and the various participants' character development" and, therefore, the episode did not pander, the material was not used to titillate, and the program was not presented for "shock value."<sup>28</sup> We disagree. The episode depicts the prolonged appearance of strippers attempting to sexually arouse the party-goers and certainly goes well beyond that necessary for the "character development" of the various participants. The material is gratuitous, vulgar, and clearly intended to pander to and titillate.

13. Considering all three factors in our contextual analysis, we find that the broadcast material in question is patently offensive as measured by contemporary community standards for the broadcast medium, and is therefore indecent. Because there was a reasonable risk that children may have been in the audience on April 7, 2003, when the material in the "Married By America" episode was broadcast, the broadcast is legally actionable. By broadcasting this material over each of the stations identified in the Attachment, each of the Fox Network Stations apparently willfully violated the prohibitions in the Act and the Commission's rules against broadcast indecency.

## B. Proposed Forfeiture

14. Section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80(a) of the Commission's rules, 47 C.F.R. § 1.80, both state that any person who willfully or repeatedly fails to comply with the provisions of the Act or the rules shall be liable for a forfeiture penalty. For purposes of section 503(b) of the Act, the term "willful" means that the violator knew it was taking the action in question, irrespective of any intent to violate the Commission's rules.<sup>29</sup> Based on the material before us, it appears that the Fox Network Stations willfully violated 18 U.S.C. § 1464 and section 73.3999 of the Commission's rules, by airing indecent programming during the "Married By America" program on April 7, 2003.

15. The Commission's *Forfeiture Policy Statement* sets a base forfeiture amount of \$7,000 for the transmission of indecent or obscene materials.<sup>30</sup> The *Forfeiture Policy Statement* also specifies that the Commission shall adjust a forfeiture based upon consideration of the factors enumerated in Section 503(b)(2)(D) of the Act, 47 U.S.C. § 503(b)(2)(D), such as "the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."<sup>31</sup>

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<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> See *Southern California Broadcasting Co.*, 6 FCC Rcd at 4387-4388.

<sup>30</sup> *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Memorandum Opinion and Order, 12 FCC Rcd 17087, 17113 (1997), *recon. denied* 15 FCC Rcd 303 (1999) ("*Forfeiture Policy Statement*"); 47 C.F.R. § 1.80(b).

<sup>31</sup> *Forfeiture Policy Statement*, 12 FCC Rcd at 17110.

16. We propose a \$7,000 forfeiture against each Fox Station and Fox Affiliate station. With respect to the Fox Affiliates, we note that the situation differs from our recent *Super Bowl NAL*.<sup>32</sup> In that case, we concluded that the affiliates “could not have reasonably anticipated that the CBS Network production of a prestigious national event such as the Super Bowl would contain material that included the on-camera exposure of Ms. Jackson’s breast.”<sup>33</sup> This program, in contrast, was a taped episode in a taped series, and the affiliates could have preempted it, as at least one affiliate did.<sup>34</sup>

#### IV. ORDERING CLAUSES

17. ACCORDINGLY, IT IS ORDERED, that the complaints filed against various licensees regarding their broadcast of the Fox Television Network program “Married By America” on April 7, 2003, ARE GRANTED to the extent indicated herein.

18. IT IS FURTHER ORDERED, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission’s rules,<sup>35</sup> that each of the licensees identified in the Attachment hereto is hereby NOTIFIED of its APPARENT LIABILITY FOR FORFEITURE in the respective amount specified in the Attachment for willfully violating 18 U.S.C. § 1464 and section 73.3999 of the Commission’s rules.

19. IT IS FURTHER ORDERED, pursuant to section 1.80 of the Commission’s rules, that within thirty (30) days of the release of this *NAL*, each of the licensees identified in the Attachment SHALL PAY the full amount of its respective proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

20. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the *NAL*/Acct. No. and the FRN No. referenced in the Attachment. Payment by check or money order may be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. Payment by overnight mail may be sent to Bank One/LB 73482, 525 West Monroe, 8th Floor Mailroom, Chicago, IL 60661. Payment by wire transfer may be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259.

21. The response, if any, SHALL BE MAILED to William H. Davenport, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room 4-C330, Washington DC 20554, and SHALL INCLUDE the *NAL*/Acct. No. referenced in the Attachment.

22. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”);

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<sup>32</sup> See *Complaints Against Various Television Licensees Concerning Their February 1, 2004, Broadcast of the Super Bowl XXXVIII Halftime Show*, Notice of Apparent Liability for Forfeiture, FCC 04-209 (rel. September 22, 2004) (“*Super Bowl NAL*”) (declining to propose forfeitures against the CBS affiliated stations not owned by Viacom, Inc., the parent company of CBS Broadcasting, Inc., which originated the broadcast).

<sup>33</sup> *Id.* at ¶ 25. We also “urge[d] each such licensee to take reasonable precautions in the future, such as employing such delay technology to independently prescreen the network feed to prevent the broadcast of indecent programming over its licensed station.” *Id.*

<sup>34</sup> See note 13, *supra*.

<sup>35</sup> 47 C.F.R. § 1.80.

or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

23. Requests for payment of the full amount of the forfeiture proposed in this *NAL* under an installment plan SHALL BE SENT to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>36</sup>

24. IT IS FURTHER ORDERED that a copy of this *NAL* shall be sent, by Certified Mail/Return Receipt Requested, to each of the licensees identified in the Attachment hereto.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>36</sup> See 47 C.F.R. § 1.1914.

## ATTACHMENT

<b>Licensee Name and Mailing Address</b>	<b>FRN No.</b>	<b>NAL Acct. No.</b>	<b>Station Call Sign and Community of License</b>	<b>Facility ID No.</b>	<b>Time of Broadcast (Local Time)</b>	<b>Proposed Forfeiture Amount</b>	<b>Fox Station or Fox Affiliate</b>
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington D.C. 20016	5795067	200432080305	WJBK, Detroit, MI	73123	9-10 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington D.C. 20016	5795067	200432080305	KMSP-TV, Minneapolis, MN	68883	8-9 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington D.C. 20016	5795067	200432080305	WOGX, Ocala, FL	70651	9-10 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	KRIV, Houston, TX	22204	8-9 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	WOFL, Orlando, FL	41225	9-10 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	KSTU, Salt Lake City, UT	22215	8-9 p.m.	\$7,000	Fox Station



<b>Licensee Name and Mailing Address</b>	<b>FRN No.</b>	<b>NAL Acct. No.</b>	<b>Station Call Sign and Community of License</b>	<b>Facility ID No.</b>	<b>Time of Broadcast (Local Time)</b>	<b>Proposed Forfeiture Amount</b>	<b>Fox Station or Fox Affiliate</b>
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	WTTG, Washington, DC	22207	9-10 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	WFXT, Boston, MA	6463	9-10 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	KDVR, Denver, CO	126	8-9 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	KTTV, Los Angeles, CA	22208	9-10 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	WFLD, Chicago, IL	22211	8-9 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	WAGA, Atlanta, GA	70689	9-10 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., Washington, D.C. 20016	5795067	200432080305	WNYW, New York, NY	22206	9-10 p.m.	\$7,000	Fox Station
Fox Television Stations, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	5795067	200432080305	WHBQ-TV, Memphis, TN	12521	8-9 p.m.	\$7,000	Fox Station

<b>Licensee Name and Mailing Address</b>	<b>FRN No.</b>	<b>NAL Acct. No.</b>	<b>Station Call Sign and Community of License</b>	<b>Facility ID No.</b>	<b>Time of Broadcast (Local Time)</b>	<b>Proposed Forfeiture Amount</b>	<b>Fox Station or Fox Affiliate</b>
Fox TV Stations of Philadelphia, 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	1531128	200432080305	WTXF-TV, Philadelphia, PA	51568	9-10 p.m.	\$7,000	Fox Station
KDFW License, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	3476041	200432080305	KDFW, Dallas, TX	33770	8-9 p.m.	\$7,000	Fox Station
KSAS License, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	3476462	200432080305	KSAZ-TV, Phoenix, AZ	35587	8-9 p.m.	\$7,000	Fox Station
KTBC License, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	3476025	200432080305	KTBC, Austin, TX	35649	8-9 p.m.	\$7,000	Fox Station
KTVI License, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	2147874	200432080305	KTVI, St. Louis, MO	35693	8-9 p.m.	\$7,000	Fox Station
TVT License, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	1811074	200432080305	WTVT, Tampa, FL	68569	9-10 p.m.	\$7,000	Fox Station
WBRC License, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C.	3476405	200432080305	WBRC, Birmingham, AL	71221	8-9 p.m.	\$7,000	Fox Station
WDAF License, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	3476421	200432080305	WDAF-TV, Kansas City, MO	11291	8-9 p.m.	\$7,000	Fox Station

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WGHP License, Inc., C/O Molly Pauker, 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	3476488	200432080305	WGHP, High Point, NC	72106	9-10 p.m.	\$7,000	Fox Station
WITI License, Inc., 9001 North Green Bay Road, Box 17600, Milwaukee, WI 53209	2703130	200432080305	WITI, Milwaukee, WI	73107	8-9 p.m.	\$7,000	Fox Station
WJW License, Inc., 5151 Wisconsin Ave., N.W., Washington, D.C. 20016	3710555	200432080305	WJW, Cleveland, OH	73150	9-10 p.m.	\$7,000	Fox Station
California Oregon Broadcasting, Inc., P.O. Box 1489, Medford, OR 97501	1547462	20043208309	KLSR-TV, Eugene, OR	8322	9-10 p.m.	\$7,000	Fox Affiliate
Channel 40, Inc., 4655 Fruitridge Road, Sacramento, CA 95820	1724004	200432080310	KTXL, Sacramento, CA	10205	9-10 p.m.	\$7,000	Fox Affiliate
Chesapeake Television Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	4970679	200432080311	WBFF, Baltimore, MD	10758	9-10 p.m.	\$7,000	Fox Affiliate
Columbus (WTTE-TV) Licensee, Inc., 2000 West 41st Street, Baltimore, MD 21211	9053299	200432080312	WTTE, Columbus, OH	74137	9-10 p.m.	\$7,000	Fox Affiliate

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Comcorp of Baton Rouge License Corp., P.O. Box 53708, Lafayette, LA 70505	1712165	200432080313	WGMB, Baton Rouge, LA	12520	8-9 p.m.	\$7,000	Fox Affiliate
Comcorp of Texas License Corp., 700 St. Johns Street, Suite 300, Lafayette, LA 70501	4328308	200432080314	KPEJ, Odessa, TX	12524	8-9 p.m.	\$7,000	Fox Affiliate
Comcorp of Texas License Corp., 700 St. Johns Street, Suite 300, Lafayette, LA 70501	4328308	200432080314	KMSS-TV, Shreveport, LA	12525	8-9 p.m.	\$7,000	Fox Affiliate
Comcorp of Texas License Corp., P.O. Box 53708, Lafayette, LA 70505	1712140	200432080314	KWKT, Waco, TX	12522	8-9 p.m.	\$7,000	Fox Affiliate
Compass Communications of Idaho, Inc., 137 Magnolia Bend Dr. Livingston, TX 77351	3768397	200432080315	KFXP, Pocatello, ID	78910	8-9 p.m.	\$7,000	Fox Affiliate
Davis Television Clarksburg, LLC, 2121 Avenue of the Stars, Suite 2800, Los Angeles, California 90067	3759784	200432080316	WVFX, Clarksburg, WV	10976	9-10 p.m.	\$7,000	Fox Affiliate
Davis Television Wausau, LLC, 2121 Avenue of the Stars, Suite, 2800, Los Angeles, CA 90067	3797552	200432080317	WFXS, Wittenberg, WI	86204	8-9 p.m.	\$7,000	Fox Affiliate
Dubuque TV Limited Partnership, 744 Main Street, Dubuque, IA 52001	4294146	200432080318	KFXB, Dubuque, IA	17625	8-9 p.m.	\$7,000	Fox Affiliate

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Falls Broadcasting Company, 1500 Foremaster Lane, Las Vegas, NV 89101	3708542	200432080319	KXTF, Twin Falls, ID	1255	8-9 p.m.	\$7,000	Fox Affiliate
Fort Smith 46, Inc., #1 Shackelford Drive, Suite 400, Little Rock, AR 72211	5006143	200432080320	KPBI-CA, Fort Smith, AR	52429	8-9 p.m.	\$7,000	Fox Affiliate
GE Media, Inc., 3364 Huger Street, Myrtle Beach, SC 29577	1880913	200432080321	WFXB, Myrtle Beach, SC	9054	9-10 p.m.	\$7,000	Fox Affiliate
Grant Broadcasting Systems II, Inc., 915 Middle River Drive, Suite 409, Ft. Lauderdale, FL 33304	1735539	200432080322	WFXR-TV, Roanoke, VA	24813	9-10 p.m.	\$7,000	Fox Affiliate
Grant Media LLC, 915 Middle River Drive, Suite 409, Fort Lauderdale, FL 33304	1734276	200432080323	WLAX, La Crosse, WI	2710	8-9 p.m.	\$7,000	Fox Affiliate
Greater Nebraska Television, Inc., P.O. Box 83, North Platte, NE 69101	2388304	200432080324	K11TW, North Platte, NE	49285	8-9 p.m.	\$7,000	Fox Affiliate
Hill Broadcasting Company, Inc., 1300 N. 17th St. 11th Fl., Rosslyn, VA 22209	1752559	200432080325	KTVG, Grand Island, NE	27220	8-9 p.m.	\$7,000	Fox Affiliate
Huntsville Television Acquisition Corp., 915 Middle River Dr. #409, Fort Lauderdale, FL 33304	1737006	200432080326	WZDX, Huntsville, AL	28119	8-9 p.m.	\$7,000	Fox Affiliate

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Idaho Independent Television, Inc., P.O. Box 1212, Nampa, ID 83653	9133364	200432080327	KTRV, Nampa, ID	28230	8-9 p.m.	\$7,000	Fox Affiliate
Independence Television Company, 642 W. Muhammad Ali Blvd., Louisville, KY 40203	3189248	200432080328	WDRB, Louisville, KY	28476	9-10 p.m.	\$7,000	Fox Affiliate
Independent Communications, Inc., P.O. Box 5103, Sioux Falls, SD 57117	2431096	200432080329	KTTW, Sioux Falls, SD	28521	8-9 p.m.	\$7,000	Fox Affiliate
John Harvey Rees, 800 Gold Creek Road, Ohio City, CO 81237	7783285	200432080330	KFQX, Grand Junction, CO	31597	8-9 p.m.	\$7,000	Fox Affiliate
Journal Broadcast Corporation, 3355 S. Valley View Blvd., Las Vegas, NV 89102	2710192	200432080331	WSYM-TV, Lansing, MI	74094	9-10 p.m.	\$7,000	Fox Affiliate
JW Broadcasting LLC, 11309 North Meadow Sage Drive, Tucson, AZ 85737	8989741	200432080332	K02NQ, Columbia, MO	55254	8-9 p.m.	\$7,000	Fox Affiliate
KABB Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	4970455	200432080333	KABB, San Antonio, TX	56528	8-9 p.m.	\$7,000	Fox Affiliate
KADN-15, Inc., 3501 Northwest Evangeline Thruway, Carencro, LA 70520	5005913	200432080334	KADN, Lafayette, LA	33261	8-9 p.m.	\$7,000	Fox Affiliate

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KBSI Licensee L.P., C/O Shaw Pittman LLP. ATTN: K Schmeltzer, 2300 N Street, N.W., Washington, D.C. 20037	4970471	200432080335	KBSI, Cape Girardeau, MO	19593	8-9 p.m.	\$7,000	Fox Affiliate
KDSM Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	5019195	200432080336	KDSM-TV, Des Moines, IA	56527	8-9 p.m.	\$7,000	Fox Affiliate
KEVN, Inc., Debtor-in-Possession, 2000 Skyline Drive, Rapid City, SD 57701	1649615	200432080337	KEVN-TV, Rapid City, SD	34347	8-9 p.m.	\$7,000	Fox Affiliate
KMPH(TV) License, LLC, 500 S. Chinoweth Road, Visalia, CA 93277	10537330	200432080338	KBFX-LP, Bakersfield, CA	51501	9-10 p.m.	\$7,000	Fox Affiliate
KMPH(TV) License, LLC, 500 S. Chinoweth Road, Visalia, CA 93277	10537330	200432080339	KMPH, Visalia, CA	51488	9-10 p.m.	\$7,000	Fox Affiliate
KMSB-TV, Inc., 1855 N. 6th Avenue, Tucson, AZ 85705	4335758	200432080340	KMSB-TV, Tucson, AZ	44052	8-9 p.m.	\$7,000	Fox Affiliate
KOKH Licensee, LLC, Shaw Pittman LLP (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	6587109	200432080341	KOKH-TV, Oklahoma City, OK	35388	8-9 p.m.	\$7,000	Fox Affiliate

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KPTM (TV) License, LLC, 500 South Chinowth Road, Visalia, CA 93277	10662443	200432080342	KPTM, Omaha, NE	51491	8-9 p.m.	\$7,000	Fox Affiliate
KQDS Acquisition Corp., P.O. Box 9115, Fargo, ND 58106	3914025	200432080343	KQDS-TV, Duluth, MN	35525	8-9 p.m.	\$7,000	Fox Affiliate
KTVU Partnership, 4920 Brookside Court, Reno, NV 89502	1543974	200432080344	KRXI-TV, Reno, NV	48360	9-10 p.m.	\$7,000	Fox Affiliate
KTVU Partnership, 6004 North Mesa Street, El Paso, Texas 79912	1543974	200432080345	KFOX-TV, El Paso, TX	33716	8-9 p.m.	\$7,000	Fox Affiliate
KTVU Partnership, Two Jack London Square, Oakland, CA 94607	1543974	200432080346	KTVU, Oakland, CA	35703	9-10 p.m.	\$7,000	Fox Affiliate
KVOA Communications, Inc., 409 South Staples Street, Corpus Christi, TX 78401	6132765	200432080347	K47DF, Corpus Christi, TX	51375	8-9 p.m.	\$7,000	Fox Affiliate
KVVU Broadcasting Corporation, 1716 Locust Street, Des Moines, IA 50309	1594233	200432080348	KVVU-TV, Henderson, NV	35870	9-10 p.m.	\$7,000	Fox Affiliate
Lingard Broadcasting Corporation, P.O. Box 1732, Tupelo, MS 38802	4348322	200432080349	WLOV-TV, West Point, MS	37732	8-9 p.m.	\$7,000	Fox Affiliate



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Marguette Broadcasting, Inc., #1 Shackelford Drive, Suite 400, Little Rock, AR 72211	5006010	200432080350	WMQF, Marquette, MI	81448	9-10 p.m.	\$7,000	Fox Affiliate
Meredith Corporation, 1716 Locust Street, Des Moines, IA 50309	11070992	200432080351	KFXO-LP, Bend, OR	35464	9-10 p.m.	\$7,000	Fox Affiliate
Meredith Corporation, 1716 Locust Street, Des Moines, IA 50309	5878004	200432080351	WHNS, Greenville, SC	72300	9-10 p.m.	\$7,000	Fox Affiliate
Meredith Corporation, 1716 Locust Street, Des Moines, IA 50309	7446578	200432080351	KPTV, Portland, OR	50633	9-10 p.m.	\$7,000	Fox Affiliate
Mission Broadcasting, Inc., 544 Red Rock Drive, Wadsworth, OH 44281	4284899	200432080352	KCIT, Amarillo, TX	33722	8-9 p.m.	\$7,000	Fox Affiliate
Mission Broadcasting, Inc., 544 Red Rock Drive, Wadsworth, OH 44281	5575113	200432080352	KHMT, Hardin, MT	47670	8-9 p.m.	\$7,000	Fox Affiliate
Mission Broadcasting, Inc., 544 Red Rock Drive, Wadsworth, OH 44281	5575113	200432080352	WFXP, Erie, PA	19707	9-10 p.m.	\$7,000	Fox Affiliate
Mission Broadcasting, Inc., 544 Red Rock Drive, Wadsworth, OH 44281	4284899	200432080352	WBAK-TV, Terre Haute, IN	65247	9-10 p.m.	\$7,000	Fox Affiliate

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Mission Broadcasting, Inc., 544 Red Rock Drive, Wadsworth, OH 44281	4284899	200432080352	KJTL, Wichita Falls, TX	7675	8-9 p.m.	\$7,000	Fox Affiliate
Montana License Sub, Inc., #1 Shackleford Drive, Suite 400, Little Rock, AR 72211	9595562	200432080353	KMMF, Missoula, MT	81348	8-9 p.m.	\$7,000	Fox Affiliate
Montgomery Communications, Inc., 222 West Sixth Street, Junction City, KS 66441	3771219	200432080354	KTMJ-CA, Topeka, KS	43649	8-9 p.m.	\$7,000	Fox Affiliate
Morris Network of Mississippi, Inc., 27 Abercorn Street, Savannah, GA 31412	3766417	200432080355	WXXV-TV, Gulfport, MS	53517	8-9 p.m.	\$7,000	Fox Affiliate
Mountain Licenses, L.P., 2111 University Park Drive, Suite 650, Okemos, MI 48864	6175939	200432080356	KAYU-TV, Spokane, WA	58684	9-10 p.m.	\$7,000	Fox Affiliate
Mountain Licenses, L.P., 2111 University Park Drive, Suite 650, Okemos, MI 48864	6175939	200432080356	KCYU-LP, Yakima, WA	58694	9-10 p.m.	\$7,000	Fox Affiliate
Mountain Licenses, L.P., C/O Northwest Broadcasting, Inc., 2193 Association Dr., Suite 300, Okemos, MI 48864	6175939	200432080356	KFFX-TV, Pendleton, OR	12729	9-10 p.m.	\$7,000	Fox Affiliate
National Communications, Inc., 129 West Prien Lake Road, Lake Charles, LA 70601	7322654	200432080357	KVHP, Lake Charles, LA	35852	8-9 p.m.	\$7,000	Fox Affiliate

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Nexstar Broadcasting, Inc., 909 Lake Carolyn Parkway, Suite 1450, Irving, TX 75039	9961889	200432080358	WTVW, Evansville, IN	3661	8-9 p.m.	\$7,000	Fox Affiliate
Nexstar Broadcasting, Inc., 909 Lake Carolyn Parkway, Suite 1450, Irving, TX 75039	9961889	200432080358	WFFT-TV, Fort Wayne, IN	25040	9-10 p.m.	\$7,000	Fox Affiliate
Nexstar Broadcasting, Inc., 909 Lake Carolyn Parkway, Suite 1450, Irving, TX 75039	9961889	200432080358	KARD, West Monroe, LA	3658	8-9 p.m.	\$7,000	Fox Affiliate
Nexstar Broadcasting, Inc., 909 Lake Carolyn Parkway, Suite 1450, Irving, TX 75039	9961889	200432080358	WQRF-TV, Rockford, IL	52408	8-9 p.m.	\$7,000	Fox Affiliate
Nexstar Broadcasting, Inc., 909 Lake Carolyn Parkway, Suite 1450, Irving, TX 75039	9961889	200432080358	KDEB-TV, Springfield, MO	3659	8-9 p.m.	\$7,000	Fox Affiliate
Nexstar Broadcasting, Inc., 909 Lake Carolyn Parkway, Suite 1450, Irving, TX 75039	9961889	200432080358	WFXV, Utica, NY	43424	9-10 p.m.	\$7,000	Fox Affiliate
North Carolina Broadcasting Partners, One Television Place, Charlotte, NC 28232	3828712	200432080359	WCCB, Charlotte, NC	49157	9-10 p.m.	\$7,000	Fox Affiliate
Ottumwa Media Holdings, LLC, 6100 Fairview Road, Suite 650, Charlotte, NC 28210	9520479	200432080360	KYOU-TV, Ottumwa, IA	53820	8-9 p.m.	\$7,000	Fox Affiliate

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Pacific Media Corporation, 2425 Walker Swinton Road, Timmonsville, SC 29161	7579626	200432080361	KDFX-CA, Indio/Palm Springs, CA	51207	9-10 p.m.	\$7,000	Fox Affiliate
Pacific Media Corporation, 2425 Walker Swinton Road, Timmonsville, SC 29161	7579626	200432080362	KEYC-TV, El Centro, CA	51208	8-9 p.m.	\$7,000	Fox Affiliate
Pappas Telecasting of Sioux City, 500 South Chinowth Road, Visalia, CA 93277	4986204	200432080363	KPTH, Sioux City, IA	77451	8-9 p.m.	\$7,000	Fox Affiliate
Peak Media of PA Licensee LLC, 1450 Scalp Avenue, Johnstown, PA 15904	3782190	200432080364	WWCP-TV, Johnstown, PA	20295	9-10 p.m.	\$7,000	Fox Affiliate
Piedmont Television of Anchorage License LLC, 7621 Little Ave. Ste 506, Charlotte, NC 28226	3747862	200432080365	KTBY, Anchorage, AK	35655	8-9 p.m.	\$7,000	Fox Affiliate
Piedmont Television of Eastern Carolina License LLC, 7621 Little Avenue, Suite 506, Charlotte, NC 28266	3744778	200432080366	WFXI, Morehead City, NC	37982	9-10 p.m.	\$7,000	Fox Affiliate
Piedmont Television of Macon License LLC, 7621 Little Avenue, Suite 506, Charlotte, NC 28266	3744810	200432080367	WGXA, Macon, GA	58262	9-10 p.m.	\$7,000	Fox Affiliate
Piedmont Television of Youngstown License LLC, 7621 Little Avenue, Suite 506, Charlotte, NC 28226	3745387	200432080368	WYFX-LP, Youngtown, OH	68398	9-10 p.m.	\$7,000	Fox Affiliate

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Prime Cities Broadcasting, Inc., 112 High Ridge Avenue, Ridgefield, CT 06877	3572039	200432080369	KNDX, Bismarck, ND	82611	8-9 p.m.	\$7,000	Fox Affiliate
Prime Cities Broadcasting, Inc., 112 High Ridge Avenue, Ridgefield, CT 06877	6211361	200432080369	KXND, Minot, ND	82615	8-9 p.m.	\$7,000	Fox Affiliate
Quad Cities Television Acquisition Corp., 915 Middle River Dr. #409, Ft. Lauderdale, FL 33304	1736321	200432080370	KLJB-TV, Davenport, IA	54011	8-9 p.m.	\$7,000	Fox Affiliate
Quincy Broadcasting Co., 513 Hampshire Street, Quincy, IL 62301	4821286	200432080371	WGEM-TV, Quincy, IL	54275	8-9 p.m.	\$7,000	Fox Affiliate
Ramar Communications II, LTD., 9800 University Avenue, Lubbock, TX 79423	3760956	200432080372	KJTV-TV, Lubbock, TX	55031	8-9 p.m.	\$7,000	Fox Affiliate
Raycom America, Inc., RSA Tower, 20th Floor, 201 Monroe Street, Montgomery, AL 36104	1835289	200432080373	WFXL, Albany, GA	70815	9-10 p.m.	\$7,000	Fox Affiliate
Raycom America, Inc., RSA Tower, 20th Floor, 201 Monroe Street, Montgomery, AL 36104	1835289	200432080373	WACH, Columbia, SC	19199	9-10 p.m.	\$7,000	Fox Affiliate
Raycom America, Inc., RSA Tower, 20th Floor, 201 Monroe Street, Montgomery, AL 36104	1835289	200432080373	WDFX-TV, Ozark, AL	32851	8-9 p.m.	\$7,000	Fox Affiliate

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Raycom America, Inc., RSA Tower, 20th Floor, 201 Monroe Street, Montgomery, AL 36104	1835289	200432080373	WTNZ, Knoxville, TN	19200	9-10 p.m.	\$7,000	Fox Affiliate
Raycom America, Inc., RSA Tower, 20th Floor, 201 Monroe Street, Montgomery, AL 36104	2929685	200432080373	KASA-TV, Santa Fe, NM	32311	8-9 p.m.	\$7,000	Fox Affiliate
Raycom America, Inc., RSA Tower, 20th Floor, 201 Monroe Street, Montgomery, AL 36104	2929685	200432080373	WXIX-TV, Newport, KY	39738	9-10 p.m.	\$7,000	Fox Affiliate
Raycom America, Inc., RSA Tower, 20th Floor, 201 Monroe Street, Montgomery, AL 36104	2929685	200432080373	KXRM-TV, Colorado Springs, CO	35991	8-9 p.m.	\$7,000	Fox Affiliate
Raycom America, Inc., RSA Tower, 20th Floor, 201 Monroe Street, Montgomery, AL 36104	2929685	200432080373	WPGX, Panama City, FL	2942	8-9 p.m.	\$7,000	Fox Affiliate
Raycom National, Inc., 201 Monroe Street, RSA Tower, 20th Floor, Montgomery, AL 36104	2929685	<b>200432080374</b>	WFLX, West Palm Beach, FL	39736	9-10 p.m.	\$7,000	Fox Affiliate
Red River Broadcast Co., LLC, P.O. Box 9115, Fargo, ND 58106	2622165	200432080375	KVRR, Fargo, ND	55372	8-9 p.m.	\$7,000	Fox Affiliate
Rockfleet Broadcasting II, LLC, 885 Third Avenue, 34th Floor, New York, NY 10022	3778222	200432080376	WFQX-TV, Cadillac, MI	25396	9-10 p.m.	\$7,000	Fox Affiliate

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Sage Broadcasting Corporation, 406 South Irving, San Angelo, San Angelo, TX 76901	4056024	200432080377	KIDY, San Angelo, TX	58560	8-9 p.m.	\$7,000	Fox Affiliate
Sainte Partners II, L.P., P.O. Box 4159, Modesto, CA 95352	5004809	200432080378	KCVU, Paradise, CA	58605	9-10 p.m.	\$7,000	Fox Affiliate
Sainte Sepulveda, Inc., P.O. Box 4159, Modesto, CA 95352	5004833	200432080379	KBVU, Eureka, CA	58618	9-10 p.m.	\$7,000	Fox Affiliate
Seal Rock Broadcasters, L.L.C., C/O Steven Seward, 1500 4th Ave. Ste. 600, Seattle, WA 98101	5710330	200432080380	KCBA, Salina, CA	14867	9-10 p.m.	\$7,000	Fox Affiliate
Second Generation of Iowa, LTD., Second Generation Place, 3029 Prospect Avenue, Cleveland, OH 44115	4294120	200432080381	KFXA, Cedar Rapids, IA	35336	8-9 p.m.	\$7,000	Fox Affiliate
Shockley Broadcasting, LLC, 401 Charmany Drive, Suite 200, Madison, WI 53719	4985305	200432080382	KXLT-TV, Rochester, MN	35906	8-9 p.m.	\$7,000	Fox Affiliate
Smith Broadcasting of Vermont, LLC, 700 Central Ave., 201, St. Petersburg, FL 33701	1808427	200432080383	WFFF-TV, Burlington, VT	10132	9-10 p.m.	\$7,000	Fox Affiliate

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Southeastern Media Holdings, Inc., 3500 Colonnade Parkway, Suite 600, Birmingham, AL 35243	8603052	200432080384	WFXG, Augusta, GA	3228	9-10 p.m.	\$7,000	Fox Affiliate
Southeastern Media Holdings, Inc., 3500 Colonnade Parkway, Suite 600, Birmingham, AL 35243	8603052	200432080385	WXTX, Columbus, GA	12472	9-10 p.m.	\$7,000	Fox Affiliate
Southeastern Media Holdings, Inc., 3500 Colonnade Parkway, Suite 600, Birmingham, AL 35243	8603052	200432080386	WSFX-TV, Wilmington, NC	72871	9-10 p.m.	\$7,000	Fox Affiliate
Springfield Broadcasting Partners, 3003 Old Rochester Road, Springfield, IL 62703	5017900	200432080387	WRSP-TV, Springfield, IL	62009	8-9 p.m.	\$7,000	Fox Affiliate
Stainless Broadcasting, L.P., 2111 University Park Drive, Suite 650, Okemos, MI 48864	4004933	200432080388	WICZ-TV, Binghamton, NY	62210	9-10 p.m.	\$7,000	Fox Affiliate
Star Broadcasting Limited, 1616 South Voss, Suite 885, Houston, TX 77057	8714818	200432080389	KXVA, Abilene, TX	62293	8-9 p.m.	\$7,000	Fox Affiliate
Sunbeam Television, Corp., 1401 79th St. Causeway, Miami, FL 33141	1800168	200432080390	WSVN, Miami, FL	63840	9-10 p.m.	\$7,000	Fox Affiliate
Curtsey Media, LLC, 73 Kercheval Avenue, Grosse Pointe Farms, MI 48236	5021597	200432080391	KVCT, Victoria, TX	35846	8-9 p.m.	\$7,000	Fox Affiliate



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Tanana Valley Television Company, 3650 Bradock Street, Suite 2, Fairbanks, AK 99701	1568724	200432080392	KFXF, Fairbanks, AK	64597	9-10 p.m.	\$7,000	Fox Affiliate
Tribune Television Company, 2005 South Queen Street, York, PA 17403	9929787	200432080393	WPMT, York, PA	10213	9-10 p.m.	\$7,000	Fox Affiliate
Tribune Television Company, 6910 Network Place, Indianapolis, IN 46278	3576485	200432080393	WXIN, Indianapolis, IN	146	9-10 p.m.	\$7,000	Fox Affiliate
Tribune Television Company, One Corporate Center, Hartford, CT 06103	3576485	200432080393	WTIC-TV, Hartford, CT	147	9-10 p.m.	\$7,000	Fox Affiliate
Tribune Television Holdings, Inc., WXMI(TV), 3117 Plaza Drive, NE, Grand Rapids, MI 49525	2841591	200432080394	WXMI, Grand Rapids, MI	68433	9-10 p.m.	\$7,000	Fox Affiliate
Tribune Television Northwest, Inc., 1813 West Lake Avenue, North, Seattle, WA 98109	1773878	200432080395	KCPQ, Tacoma, WA	33894	9-10 p.m.	\$7,000	Fox Affiliate
TV 67, Inc., 463 South Central Avenue, Lima, OH 45804	2929347	200432080396	WOHL-CA, Lima, OH	68549	9-10 p.m.	\$7,000	Fox Affiliate
United Communications Corporation, 715 - 58th Street, Kenosha, WI 53140	2210383	200432080397	WNYF-CA, Watertown, NY	16743	9-10 p.m.	\$7,000	Fox Affiliate

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Warwick Communications, Inc., 700 St. Johns Street, Suite 301, Lafayette, LA 70501	4973897	200432080398	KFXK, Longview, TX	70917	8-9 p.m.	\$7,000	Fox Affiliate
WAVY Broadcasting, LLC, 300 WAVY Street, Portsmouth, VA 23704	3473162	200432080399	WVBT, Virginia Beach, VA	65387	9-10 p.m.	\$7,000	Fox Affiliate
WDKY Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	3865094	200432080400	WDKY-TV, Danville, KY	64017	9-10 p.m.	\$7,000	Fox Affiliate
WDSI License Corp., 225 City Line Avenue, Suite 200, Bala Cynwyd, PA 19004	2208999	200432080401	WDSI-TV, Chattanooga, TN	71353	9-10 p.m.	\$7,000	Fox Affiliate
WEMT Licensee L.P., Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	5525019	200432080402	WEMT, Greeneville, TN	40761	9-10 p.m.	\$7,000	Fox Affiliate
White Knight Broadcasting of Natchez License Corp., 700 St. John St., Suite 301, Lafayette, LA 70501	4973913	200432080403	WNTZ, Natchez, MS	16539	8-9 p.m.	\$7,000	Fox Affiliate
WMSN Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	6551824	200432080404	WMSN-TV, Madison, WI	10221	8-9 p.m.	\$7,000	Fox Affiliate
WNAC, LLC, 17 Crooked Lane, Manchester, MA 01944	7112899	200432080405	WNAC-TV, Providence, RI	73311	9-10 p.m.	\$7,000	Fox Affiliate

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Wolf License Corp., Pegasus Corp. Office, 225 Cty. Lne. Ave., Ste 200, Bala Cynwyd, PA 19004	2209013	200432080406	WOLF-TV, Hazleton, PA	73375	9-10 p.m.	\$7,000	Fox Affiliate
Woods Communications Corporation, One WCOV Avenue, Montgomery AL 36111	1756659	200432080407	WCOV-TV, Montgomery, AL	73642	8-9 p.m.	\$7,000	Fox Affiliate
WPGH Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer) 2300 N Street, N.W., Washington, D.C. 20037	5020870	200432080408	WPGH-TV, Pittsburgh, PA	73875	9-10 p.m.	\$7,000	Fox Affiliate
WRGT Licensee, LLC, 2000 West 41st Street, Baltimore, MD 21211	9529082	200432080409	WRGT-TV, Dayton, OH	411	9-10 p.m.	\$7,000	Fox Affiliate
WRLH Licensee, LLC, C/O Shaw Pittman LLP (ATTN: K Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	6551782	200432080410	WRLH-TV, Richmond, VA	412	9-10 p.m.	\$7,000	Fox Affiliate
WSJV Television, Inc., P.O. Box 28, South Bend, IN 46624	2893881	200432080411	WSJV, Elkhart, IN	74007	8-9 p.m.	\$7,000	Fox Affiliate
WSMH Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	5020904	200432080412	WSMH, Flint, MI	21737	9-10 p.m.	\$7,000	Fox Affiliate

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WSYT Licensee L.P., Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	4970877	200432080413	WSYT, Syracuse, NY	40758	9-10 p.m.	\$7,000	Fox Affiliate
WTAT Licensee, LLC, 2000 W. 41ST Street, Baltimore, MD 21211	7282957	200432080414	WTAT-TV, Charleston, SC	416	9-10 p.m.	\$7,000	Fox Affiliate
WTLH License Corp., Pegasus Corp. Office, 225 Cty. Lne. Ave., Ste. 200, Bala Cynwyd, PA 19004	3249216	200432080415	WTLH, Bainbridge, GA	23486	9-10 p.m.	\$7,000	Fox Affiliate
WUHF Licensee, LLC, Shaw Pittman LLP, ATTN: Kathryn Schmeltzer, 2300 N Street, N.W., Washington, D.C. 20037	6551568	200432080416	WUHF, Rochester, NY	413	9-10 p.m.	\$7,000	Fox Affiliate
WUPW Broadcasting, LLC, 4 Richmond Square, Providence, RI 02906	7517832	200432080417	WUPW, Toledo, OH	19190	9-10 p.m.	\$7,000	Fox Affiliate
WUTV Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	6551626	200432080418	WUTV, Buffalo, NY	415	9-10 p.m.	\$7,000	Fox Affiliate
WVAH Licensee, LLC, 2000 W. 41st. Street, Baltimore, MD 21211	7283054	200432080419	WVAH-TV, Charleston, WV	417	9-10 p.m.	\$7,000	Fox Affiliate
WYDC, Inc., 33 East Market Street, Corning, NY 14830	3778511	200432080420	WYDC, Corning, NY	62219	9-10 p.m.	\$7,000	Fox Affiliate

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Wyomedia Corporation, 1856 Skyview Drive, Casper, WY 82601	1623990	200432080421	K26ES, Casper, WY	10560	8-9 p.m.	\$7,000	Fox Affiliate
Wyomedia Corporation, 1856 Skyview Drive, Casper, WY 82601	7443567	200432080422	KLWY, Cheyenne, WY	40250	8-9 p.m.	\$7,000	Fox Affiliate
WYZZ Licensee, Inc., Shaw Pittman (Kathryn R. Schmeltzer), 2300 N Street, N.W., Washington, D.C. 20037	7682032	200432080423	WYZZ-TV, Bloomington, IL	5875	8-9 p.m.	\$7,000	Fox Affiliate
WZTV Licensee, LLC, Shaw Pittman (Kathryn R. Schmeltzer) 2300 N Street, N.W., Washington, D.C. 20037	6551758	200432080424	WZTV, Nashville, TN	418	8-9 p.m.	\$7,000	Fox Affiliate
Blue Bonnet Communications, Inc., 205 West College Street, Lake Charles, LA 70605	8062697	20043208306	KUIL-LP, Beaumont, TX	131238	8-9 p.m.	\$7,000	Fox Affiliate
Blunose Broadcasting of Savannah LLC, 4101 Lake Boone Trail, Suite 300, Raleigh, NC 27607	6597041	20043208307	WTGS, Hardeeville, SC	27245	9-10 p.m.	\$7,000	Fox Affiliate
Broadcasting Licenses, L.P., 2111 University Park Drive, Suite 650, Okemos, MI 48864	8412777	20043208308	KMVU, Medford, OR	32958	9-10 p.m.	\$7,000	Fox Affiliate

**SEPARATE STATEMENT OF COMMISSIONER KEVIN J. MARTIN**

*Re: Complaints Against Various Licensees Regarding Their Broadcast Of The Fox Television Network Program "Married By America" On April 7, 2003, Notice of Apparent Liability for Forfeiture, October 5, 2004*

This Notice of Apparent Liability proposes to fine the FOX affiliates who aired the show in question because it was a taped show and "the affiliates could have preempted it." This decision highlights the need to clarify that affiliates have the right and responsibility to reject inappropriate programming. As I have said on numerous occasions, this obligation is critical to local broadcasters' ability to keep coarser network programming off the air in their communities.<sup>37</sup> The network affiliates asked us to clarify this right over three years ago.<sup>38</sup> The Commission needs to respond.

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<sup>37</sup> See, e.g., Written Statement of Commissioner Kevin J. Martin, Before the Committee on Commerce, Science and Transportation at 4 (February 2004), [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-243865A2.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-243865A2.doc).

<sup>38</sup> See Petition for Inquiry into Network Practices, filed by Network Affiliated Stations Alliance (March 2001); Motion for Declaratory Ruling, filed by Network Affiliated Stations Alliance (June 2001).