

## 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>1</sup> The network affiliates asked us to clarify this right over three years ago.<sup>2</sup> The Commission needs to respond.

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<sup>1</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>2</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).