

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

In re Application of

Spectacor File No. BR-910401YQ
Broadcasting L.P.

For Renewal of License of
Station WIP(AM)
Philadelphia, Pennsylvania

**MEMORANDUM OPINION AND ORDER
AND NOTICE OF APPARENT LIABILITY**

Adopted: August 12, 1993; Released: August 20, 1993

By the Commission: Commissioner Barrett concurring
in the result.

I. INTRODUCTION

1. The Commission has before it for consideration: (i) a license renewal application for the captioned radio station; (ii) Petitions to Deny timely filed by the National Black Media Coalition (NBMC); jointly by the National Hispanic Media Coalition (NHMC) and ASPIRA, Inc. of Pennsylvania (collectively NHMC/ASPIRA); and jointly by the Philadelphia Lesbian and Gay Task Force, the Pennsylvania and Philadelphia chapters of the National Organization for Women (NOW), and ASPIRA, Inc. of Pennsylvania (collectively PLGTF) against the renewal application;¹ (iii) an opposition from the licensee; (iv) petitioners' responses to the licensee's opposition, and (v) the licensee's responses to staff letters of inquiry. Petitions filed by NBMC, NHMC/ASPIRA and PLGTF allege that the above station violated the Commission's equal employment opportunity (EEO) Rule and policies toward minorities. PLGTF also alleges that the station violated the Rule and policies regarding recruitment of women. In a separate petition, the three collective PLGTF parties joined by the Philadelphia chapters of ACT-UP, Black and White Men Together, and Custody Action for Lesbian Mothers, Inc. (PLGTF II) challenge the adequacy of WIP(AM)'s issue-responsive programming. The petitioners request that the Commission designate the licensee's renewal application for hearing and deny the application.

II. BACKGROUND

2. In challenging an application pursuant to Section 309(d) of the Communications Act, a petitioner must demonstrate party in interest status. In addition, a petitioner must, as a threshold matter, submit "specific allegations of fact sufficient to show... that a grant of the application would be prima facie inconsistent with [the public interest, convenience, and necessity]." 47 U.S.C. Section 309(d)(1); *Astroline Com. Co. Ltd. Partnership v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988) (*Astroline*); *Application of Dubuque T.V. Limited Partnership and Sage Broadcasting Corporation of Dubuque, Iowa for Assignment of Television License for KDUB-TV, Dubuque, Iowa*, 4 FCC Rcd 1999 (1989). The allegations, except for those of which official notice may be taken, must be supported by the affidavit of a person with personal knowledge of the facts alleged. 47 U.S.C. Section 309(d)(1).

3. We note that the NBMC, the Philadelphia Lesbian and Gay Task Force, NOW, Black and White Men Together of Philadelphia, Custody Action for Lesbian Mothers, Inc., and ACT-UP of Philadelphia have failed to demonstrate party in interest status by filing affidavits from parties who are shown to be residents in the listening area of WIP(AM) or listeners to the station. See *Petition for Rulemaking to Establish Standards for Determining the Standing of a Party to Petition to Deny a Broadcast Application*, 82 FCC 2d 89, 98-99 (1980). Accordingly, we will treat these groups as informal objectors. 47 C.F.R. Section 73.3584(b); see also *Application of KDEN Broadcasting Co. for Renewal of License of Station KDEN, Denver, Colorado*, 55 Rad. Reg. 2d (P&F) 1311, 1311-1312 (1984). NHMC/ASPIRA have met the standing criteria.

III. EEO ISSUES

4. *Discussion.* The NBMC, NHMC/ASPIRA, and PLGTF derived their factual allegations from the licensee's EEO program and annual employment reports. Review of their allegations led us to conclude that they presented a prima facie case demonstrating that unconditional grant of the renewal application would have been inconsistent with the public interest. Section 309(d)(1) of the Communications Act, 47 U.S.C. Section 309(d)(1). *Astroline, supra*. Further inquiry was, therefore, necessary. See *Beaumont Branch of the NAACP and the National Black Media Coalition v. FCC*, 854 F.2d 501, 506 (D.C. Cir. 1988) (*Beaumont*); *Bilingual Bicultural Coalition on Mass Media, Inc. v. FCC*, 595 F.2d 621 (D.C. Cir. 1978) (*Bilingual*). However, review of the entire record, including the licensee's responses to further inquiries, indicates that there are no substantial and material questions of fact warranting designation for hearing.

5. Section 73.2080 of the Commission's Rules requires that a broadcast licensee refrain from employment discrimination and establish and maintain an affirmative action program reflecting positive and continuing efforts to recruit, employ and promote qualified women and minorities. When evaluating EEO performance, the Commission

¹ Collectively, the NBMC, NHMC/ASPIRA and PLGTF challenged the renewal applications of six radio stations in Philadelphia, Pennsylvania on equal employment opportunity (EEO) grounds. The parties who addressed programming issues at WIP(AM) in a separate petition to deny challenged the renewal applications of 13 Philadelphia radio stations. In November 1992, the licensee of WIP(AM) filed a request for expedited review of

the WIP(AM) renewal application on the basis that the renewal challenges were the only impediment to grant of a pending application to assign the station's license to another party. We find that expedited review is appropriate and, accordingly, are addressing the renewal of WIP(AM) in the current *Order*. We will address the applications of the remaining stations in separate actions.]

focuses on the licensee's efforts to recruit, employ and promote qualified women and minorities and the licensee's ongoing assessment of its EEO efforts. Such an assessment enables the licensee to take corrective action if qualified women and minorities are not present in the applicant pool. The Commission also focuses on any evidence of discrimination by the licensee. See Sections 73.2080 (b) and (c) of the Commission's Rules, 47 C.F.R. Sections 73.2080 (b) and (c).

6. When a renewal application indicates an absence of discrimination and a record of adequate EEO efforts, the application is granted, if otherwise appropriate. When it fails to evidence a record of adequate EEO efforts, the Commission may impose a variety of sanctions or remedies, such as reporting conditions, renewal for less than a full term, forfeiture, or a combination thereof. Further, the Commission will designate the application for hearing if the facts so warrant. *Amendment of Part 73 of the Commission's Rules Concerning Equal Employment Opportunity in the Broadcast Radio and Television Services*, 2 FCC Rcd 3967 (1987) (hereinafter *Broadcast EEO*), *petition for reconsideration pending*; see also 4 FCC Rcd 1715 (1989) (request for clarification by National Association of Broadcasters) (hereinafter *Clarification of Broadcast EEO*). See e.g., *Beaumont, supra*; *Bilingual, supra*.

7. A review of the licensee's 1991 EEO Program Report, opposition to the petitions to deny and responses to our inquiries reveals that the licensee had 37 overall, including 30 upper-level, full-time hiring opportunities from September 26, 1988, through March 27, 1991.² The licensee was able to identify the recruitment sources contacted for only seven positions as follows: *Philadelphia Inquirer* and postings inside the station. The licensee reported minority and female referrals from general sources as follows: *Philadelphia Inquirer* (two minority, 31 female), employee referrals (two minority, 10 female), and postings inside the station (two minority, 11 female). It reported that it contacted minority sources as follows: Lincoln University (two openings), Cheyney University (two openings), Philadelphia Community College (one opening), Temple University (one opening), and a Black-oriented newspaper, the *Philadelphia Tribune*, (three openings). The only referrals from minority sources were one female referral and one minority referral from the *Philadelphia Tribune*. The licensee also reported, in addition to the seven positions for which it knows it recruited publicly, that it specifically recruited and hired a minority and a woman for sales positions.

8. Because of incomplete records, the licensee had interview information for only 20 positions, which shows 144 total interviewees, of whom 12 were minority and 78 were

women. Minorities were considered for 17 positions, 15 of which were upper-level. Women were considered for 23 positions of which 19 were upper-level.³ Of the 37 hires, six were minority (Black) and 15 were women. Of 30 upper-level hires, four were minority and 11 were women.⁴ In addition, the licensee reported that it offered upper-level full-time sales positions to two Black women in November and December 1989, but they declined the offers.

9. The arguments of the NBMC, NHMC/ASPIRA, and PLGTF may be summarized as follows: the licensee's EEO recordkeeping and efforts were inadequate, its recruitment sources failed to refer minority applicants, and it failed to use minority or female recruitment sources until the last few months of the term. Also, although the licensee's self-assessment of its EEO program for minorities and women has been inadequate, it proposes no remedial action. Furthermore, the licensee has failed to employ Hispanics and its employment of women and Blacks has been inadequate, particularly in upper-level positions. Population reports more recent than the 1980 census indicate that Hispanics now comprise more than three percent of the Philadelphia MSA labor force, instead of the 1.7% indicated in the 1980 figures.

10. In addition, PLGTF argues that EEO compliance should be evaluated on the basis of whether women and minorities are employed at full parity with their presence in the labor force, rather than the long-standing 50% of parity. Also, PLGTF argues that the Commission should amend its non-discrimination rule to include sexual orientation. It states, however, that sexual orientation need not be applied to affirmative action requirements in the EEO Rule.⁵

11. The licensee responded that it has recruited minorities and women for openings during the license term, using various sources, including minority sources, but has recruitment records for only seven of its 37 openings. It acknowledged that it has failed to "maintain adequate records of the referrals it received" but noted the number of minorities and women it interviewed and hired, as discussed *infra*. The licensee denied that it only started using minority sources in the last months of the term, noting that it used a minority newspaper, the *Philadelphia Tribune*, since at least March 1989. To improve its EEO record, it claimed to have held a series of meetings in the fall of 1989 which were prompted by the realization that it was having difficulty recruiting women for upper-level positions. It stated that it increased its EEO efforts which resulted in increases in female upper-level employment in 1990 and 1991 and minority upper-level employment in 1991. Following assessment meetings in February and

² The licensee has owned WIP(AM) since November 19, 1987. Its license term ended on July 31, 1991.

³ We note that these numbers include positions with no interviewee records but where a minority or woman was selected.

⁴ The labor force of the Philadelphia, Pennsylvania MSA is 42.7% female and 18.2% minority (15.4% Black, 1.7% Hispanic, 1.0% Asian/Pacific Islander, and 0.1% American Indian). The licensee's Annual Employment Report for 1988 indicates that the licensee employed 36 persons overall (25 upper-level) with two (5.6%) minorities, both Blacks in upper-level positions (8.0% of upper-level positions). All minorities employed by the licensee during the license term were Black. It employed 11 (30.6%) women overall with five (20.0%) in upper-level positions. In 1989, the licensee employed 37 persons overall (24

upper-level) with three (8.1%) Blacks, two (8.3%) of whom were in upper-level positions. It employed 10 (27.0%) women, two (8.3%) in upper-level positions. In 1990, the licensee employed 35 persons (25 upper-level) with four (11.4%) Blacks, two (8.0%) in upper-level positions. It employed 11 (31.4%) women, five (20.0%) in upper-level positions. In 1991, the licensee employed 37 persons overall (30 upper-level) with five (13.5%) Blacks, three (10.0%) in upper-level positions. It employed 13 (35.1%) women, nine (30.0%) in upper-level positions.

⁵ The petition to deny process is not the proper forum for us to announce new processing criteria or to change our rules to include sexual orientation under discrimination. Therefore, we dismiss this portion of PLGTF's petition.

March of 1991, the licensee stated that it phased in new EEO practices from April to August 1991. It said those new steps include contacts with new sources,⁶ expanded recordkeeping, designating a station official to oversee the EEO program, more formal hiring procedures, and sponsoring a minority intern at the station.

12. Regarding Hispanic recruitment, the licensee cited *Letter to Howard B. Dolgoff*, 5 FCC Rcd 7695, 7696 (1990) (concerning Station WTHZ-FM, Tallahassee, Florida) (*WTHZ-FM*), and *Applications of Certain Television Stations Serving Communities in the State of California*, 6 FCC Rcd 2340, 2344 n.4 (1991) (*California*).⁷ Using 1980 census data, it stated that Hispanics comprise only 1.7% of the station's job market, not what the Commission considers to be a statistically "significant" number. It asserted, however, that it has included Hispanics in its minority recruitment efforts and noted that it added a Hispanic recruitment source in the last four months of the license term.

13. The licensee argues that its record is similar to that of Stations WDXY(AM)/WIBZ-FM, as described in *Applications of Dailey & Reich for Renewal of License of Station WDXY, Sumter, South Carolina, and Station WIBZ-FM, Wedgefield, South Carolina*, 6 FCC Rcd 4672 (1991), wherein the Commission renewed the stations' licenses unconditionally despite problems with recordkeeping.

14. After reviewing the record of Station WIP(AM), we find no substantial and material questions of fact sufficient to warrant a hearing. See *Astroline*, *supra*. The licensee engaged in some recruitment and hired and employed minorities and women. We find no evidence indicating that the licensee engaged in discrimination. However, the licensee's efforts to recruit minorities and women were deficient. Specifically, we are concerned that the licensee has no recruitment records for 30 of 37 positions. Although the licensee claims to have contacted a minority-oriented source as early as 1989 and received a number of minority applicants, it could not have engaged in meaningful self-assessment with so few records. We believe \$12,500 is an appropriate base forfeiture for this violation of the Commission's EEO Rule. Thus, we will grant the renewal application of WIP(AM) subject to a Notice of Apparent Liability for \$12,500 and reporting conditions.

IV. PROGRAMMING ISSUES

15. PLGTF II filed a Joint Petition challenging the licensee's programming efforts. See para. 1 and note 1, *supra*. Petitioners allege that WIP(AM) did not present sufficient issue-responsive programming overall and that its coverage of specific issues was inadequate. In particular, petitioners challenge the quantity and quality of the licensee's programming covering the issue of AIDS and the concerns of women, African-Americans, lesbians, gays, and Hispanics. Petitioners allege that these groups in the aggregate constitute a majority of Philadelphia's population, and that the station's alleged failure to serve these groups is, therefore, a failure to serve the community as a whole. In support of

their position, petitioners submit a study in which they evaluate WIP(AM)'s programming based on information contained in the station's public inspection file for the years 1989 and 1990.

16. Several years ago, the Commission had the opportunity to examine similar allegations in reviewing a challenge by several of the same parties to the license renewals of Philadelphia television stations. *Philadelphia Television Stations*, 5 FCC Rcd 3847 (1990), *recon. denied*, 6 FCC Rcd 4191 (1991). While the methodology of the television study differs somewhat from the radio study in the present case, the basic thrust of the arguments in the two proceedings are the same. Thus, much of our analysis in the Philadelphia television proceeding also holds true for the current challenge to the renewal application for radio station WIP(AM).

17. *The Broadcaster's Programming Obligation*. Broadcast licensees have an affirmative obligation to present informational programming addressing issues and problems of importance to their communities. *Deregulation of Radio*, 84 FCC 2d 968, 982 (1981); *recon. granted in part and denied in part*, 87 FCC 2d 797, *aff'd in part and remanded in part sub nom., Office of Communications of the United Church of Christ v. FCC*, 707 F.2d 1413 (D.C. Cir. 1983). In this regard, the Commission affords licensees broad discretion to choose, in good faith, the issues it believes are of concern to the community and the best way to address those issues. Thus, we do not require licensees to present any specific quantity of issue-responsive programming, to address any particular topic, or to cover every aspect of a topic addressed. *Philadelphia Television Stations*, 5 FCC Rcd at 3847. The Commission intervenes only if the licensee abuses its discretion, *i.e.*, if a licensee is unreasonable or discriminatory in its selection of issues or offers such nominal levels of issue-responsive programming as to have effectively defaulted on its obligation. *Id.* at 3848.

18. In keeping with these requirements, a licensee cannot in its selection of issue-responsive programming ignore the needs and problems of ethnic minorities or other groups that represent a substantial segment of its community. See *Time-Life Broadcast, Inc.*, 33 FCC 2d 1081, 1093 (1972); *Alabama Educational Television Commission*, 50 FCC 2d 461 (1975). Licensees are not, however, required to address every issue of importance to a group, to address the needs of every group in the community, or to present programming in proportion to a group's percentage in the overall community population. *Philadelphia Television Stations*, 5 FCC Rcd at 3848 and cases cited therein. Further, the station need not present programming specifically designed for minority groups if the station's programming for the community as a whole also is responsive to the needs of minorities within that community. See *Puerto Rican Media Action and Educational Council, Inc.*, 51 FCC 2d 1178, 1181-82 (1975).

19. *Discussion*. Given this background, and assuming *arguendo* that the facts alleged are true and representative of the license period, we find no abuse of the licensee's

⁶ The licensee did not identify the new sources other than an Hispanic source, Congreso de Latinos Unidos.

⁷ The Commission found in *WTHZ-FM* that minorities comprised 27.6% of the relevant labor force and that Hispanics comprised only 1.2%. The Commission stated that it considers a station's overall minority employment in determining EEO compliance but that it focuses principally on the dominant

minority or non-dominant minorities that are present in significant numbers. See *WTHZ-FM* at 7696. In *California*, the Commission also stated that it evaluates EEO efforts toward all minorities but focuses primarily on the dominant minority and found that Hispanics were the dominant minority in job markets in which they comprised from 53% to 71% of minorities. See *California* at 2344 n.4.

broad discretion with respect to the presentation of issue-responsive programming. With respect to petitioners' allegation that the licensee's selection of programming was unreasonable or discriminatory, we find no prima facie case. The petitioners' own study shows that the licensee addressed a number of issues specifically relevant to women, Blacks, and lesbians and gays, albeit not the issues that the petitioners would have most liked addressed.⁸ As to Hispanics, the one group for which the station's public file allegedly did not identify any specific programming, this group comprises only a small percentage of Philadelphia's population,⁹ and so the alleged non-coverage of specific Hispanic issues, without more, is insufficient to support a finding of any abuse of discretion. Further, for each of the groups identified, petitioners have not shown that the groups' needs would not be met in whole or in part by the station's overall issue-responsive programming for the general community.¹⁰ With respect to the issue of AIDS, the petitioners' study shows that the licensee addressed the issue in a number of ways. The licensee, in its Opposition, supplies additional information showing that it presented programming addressing the issue of AIDS and topics of concern to each of the groups identified. While the licensee did not address every issue of concern to each group or every facet of the issues addressed, the Commission does not require it to do so. See *Miami Valley Broadcasting Corp.*, 48 FCC 2d 177, 186 (1974). The licensee's selection of issues appears reasonable and non-discriminatory, having included many programs addressing issues of concern to minorities and prominently featuring minority hosts and guests.

20. Further, based on the entire record before us, we do not find the amount of issue-responsive programming on WIP(AM) inadequate.¹¹ Even assuming for the sake of argument that petitioners presented a prima facie case on this matter, that case would be rebutted by information in the licensee's response, leaving no substantial and material question of fact. Petitioners base their allegations on the information in the station's Issues/Programs lists. Such lists must identify the licensee's most significant issue-responsive programs but need not enumerate every program aired. See *Office of Communication of United Church of Christ v. FCC*, 779 F.2d 702, 712 (D.C. Cir. 1985). We, therefore, permit licensees to provide us with additional information not listed in the Issues/Programs lists to respond to an argument that they provided only a nominal amount of issue-responsive programming. *Philadelphia Television Stations*, 5 FCC Rcd 3847, 3851 n.13.

21. In response to petitioners' allegations, the licensee submits additional information about the amount of general and minority-specific issue-responsive programming on the station. The licensee includes information beyond that which it listed on its Issues/Programs lists and covers a longer period within the license term than that in petitioners' study. The licensee states that every week it airs two hours of locally produced public affairs programs in the form of the following three shows: Philadelphia Futures, C.A.R.I.E. Line, and Healthline. In addition, the licensee carries network programs such as the Larry King Show and the Jim Bohannon Show which it states often include segments addressing important issues. The station also airs public service announcements, but does not generally report these on its Issues/Programs lists. Furthermore, the licensee states that, consistent with the station's sports format, the station airs sports interviews and call-in shows throughout each day which often discuss the problems of women, minorities, and gays in a sports context. Examples of topics covered include the role of women in sports and in sports journalism (prompted by an allegation of sexual harassment of a female reporter in a football locker room), the location of sporting events at country clubs which do not accept minorities as members, and the issues associated with being a gay umpire in major league baseball. The petitioners do not in their Reply address any of this additional programming, continuing to rely on the original numbers in their study.

22. Given the record before us, it appears that the licensee made a reasonable effort to present, within its discretion, sufficient programming addressing the needs and problems of Philadelphia as a whole and of the groups that make up a substantial portion of that community. Thus, we find no substantial and material question of fact on this issue.

V. CONCLUSION

23. After considering the information before us, we find that a hearing is not warranted and the record of the licensee of WIP(AM) supports grant of its renewal application. The license of WIP(AM) will be renewed subject to a Notice of Apparent Liability for \$12,500 and reporting conditions because of its deficient EEO recruitment efforts.

⁸ The petitioners identify 10 issues as important to women, 17 issues as important to Blacks, 15 issues as important to the lesbian and gay community, and 10 issues as important to Hispanics, none of which WIP(AM) addressed. However, petitioners' study of the licensee's public file programming data indicates that the station addressed 15 other issues of concern to women, five other issues of concern to Blacks, and four other issues of concern to the lesbian and gay community.

⁹ Petitioners allege that Hispanics represent 3.82% of the overall Philadelphia population. Given this small figure, Hispanics would not comprise a substantial segment of the Philadelphia population for the purpose of our analysis of issue-responsive programming.

¹⁰ In its Opposition, the licensee alleges that its programming addresses a wide range of issues of importance to the citizens of Philadelphia regardless of their race, sex, or sexual orientation. These issues include the problems of crime, drugs, education,

child abuse, homelessness, poverty, the disabled, parenting, mental health, humanitarian concerns, the local, national, and international economy, aging, and general health issues.

¹¹ Based on a study of all programming reported in the station's public file, petitioners allege that WIP(AM) devoted an average of 446.8 minutes per month (approximately 1% of its overall airtime) to issue-responsive programming. With respect to issues of specific concern to women and minorities, they allege an average of 72.5 minutes per month (16.2% of overall issue-responsive programming or .2% of overall airtime). While we will consider such percentages as one factor in evaluating a licensee's performance, "arguments based solely on the failure to present amounts of non-entertainment programming will not be appropriate." *Philadelphia Television Stations*, 6 FCC Rcd at 4192, citing *Commercial TV Stations*, 98 FCC 2d 1076, 1093 (1984).

VI. ORDERING CLAUSES

24. Accordingly, IT IS ORDERED that the informal objection filed by the NBMC, the Philadelphia Lesbian and Gay Task Force, NOW, Black and White Men Together of Philadelphia, Custody Action for Lesbian Mothers, Inc., and ACT-UP of Philadelphia against the licensee of WIP(AM) IS DENIED.

25. IT IS FURTHER ORDERED that the petitions to deny filed by the NHMC and ASPIRA, Inc. of Pennsylvania, against the licensee of WIP(AM) ARE DENIED.

26. IT IS FURTHER ORDERED that the license renewal application filed by Spectacor Broadcasting L.P. for Station WIP(AM) IS GRANTED subject to the EEO reporting conditions specified herein.¹²

27. IT IS FURTHER ORDERED that, pursuant to Section 503 of the Communications Act of 1934, as amended, 47 U.S.C. Section 503, this document constitutes a NOTICE OF APPARENT LIABILITY FOR FORFEITURE in the amount of \$12,500 for the licensee of WIP(AM).

28. IT IS FURTHER ORDERED that the licensee of Station WIP(AM) file an original and one copy of the following information on April 1, 1994, April 1, 1995, and April 1, 1996:

(a) For each report, please make two lists divided by full-time and part-time job vacancies during the twelve months preceding the respective reporting dates, indicating the job title, date of hire, the race or national origin, sex and the referral source of each applicant for each job and the race or national origin and sex of the person hired. The list should also note which recruitment sources were contacted;¹³

(b) a list of employees as of the March 1, 1994, payroll period for the first report and as of the March 1, 1995, and the March 1, 1996, payroll periods for the second and third reports, by job title, indicating part-time or full-time status (ranked from the highest paid classification), date of hire, sex and race or national origin;

(c) details concerning the station's efforts to recruit minorities for each position filled during the period specified, including identification of sources used and indicating whether any of the applicants declined actual offers of employment. In addition, the licensee may submit any relevant information with regard to the station's EEO performance and efforts thereunder.

29. IT IS FURTHER ORDERED, that the Mass Media Bureau send by Certified Mail -- Return Receipt Requested -- one copy of this Memorandum Opinion and Order and Notice of Apparent Liability to all parties.

30. The reports are to be filed with the Secretary of the Commission for the attention of the Mass Media Bureau's EEO Branch. Should the parties have any questions regarding this action, they may telephone the Mass Media Bureau's EEO Branch at 202-632-7069. Regarding the forfeiture proceedings, the licensee of WIP(AM) may take any of the actions set forth in Section 1.80 of the Commission's Rules, as summarized in the attachment to this Memorandum Opinion and Order and Notice of Apparent Liability. Any comments relating to its ability to pay should include those financial letters set forth in the noted attachment.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

¹² In this regard, we are mindful of a pending application for assignment of license of WIP(AM) from Spectacor Broadcasting L.P. to Infinity Broadcasting Corporation of Philadelphia (File No. BAL-921001EB). In the event that the license is transferred to a new licensee, the reporting conditions will apply to the assignee upon the consummation of the sale or the transfer. See *Woolfson Broadcasting Corporation*, 4 FCC Rcd 6160 (1989); *Arcadia, Florida*, 5 FCC Rcd 3748, 3750 n.8 (1990); *License Renewal Application of Duffy II Corporation For Station KESZ-*

FM, Phoenix, Arizona, 6 FCC Rcd 1876, 1879 n.4 (1991).

¹³ Such a list might start: (1) News Director: Officials and Managers; Full-time.

3 Applicants:	1 White female	A.W.R.T.
	1 Black male	Urban League
	1 Black female	NAACP

Sources Contacted: Local Newspaper, A.W.R.T., Urban League and NAACP.

Selected: Black male (12/19/93).