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ONE HUNDRED EIGHTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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October 28, 2004

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BUD ALBRIGHT, STAFF DIRECTOR

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

Thank you for your timely response to my October 13, 2004, letter and for your forthright recognition that broadcast licensees have an obligation to serve the public interest. I appreciate your commitment that if questions are raised about a licensee's failure to serve the public interest, the Federal Communications Commission (FCC) is prepared to investigate the matter expeditiously and, if necessary, to take appropriate action. I further appreciate your agreement that such action could significantly affect the renewal of licenses and even result in their revocation.

There appears to be a misunderstanding among certain broadcast licensees that they can use the public airwaves in new ways to elect candidates of their choice. Last week, public pressure was successful in forcing Sinclair Broadcast Group to back away from its plan that effectively would have turned over its licenses to a particular political group that supports one candidate for president. This week, we are faced with a different yet equally serious matter. Pappas Telecasting Companies (Pappas), a licensee of the FCC, has donated free airtime to elect its preferred candidates.

Pappas, in the attached press release, states that it is donating "airtime on several of its California television and radio stations to certain Republican and Democratic County Central Committees in California." The donation by a licensee of free, equal airtime to candidates of both parties in the same county would serve the public interest. In this case, however, Pappas is pursuing a political agenda by donating airtime to candidates of one party in one county and to candidates of another party in another county, while requiring opposing candidates to request and pay for an equivalent amount of airtime. This practice of a licensee using the public airwaves to support certain candidates over others raises serious public interest concerns.

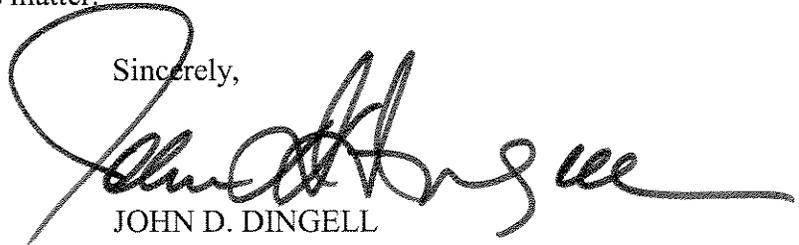
I am also troubled by reports that the FCC has sanctioned this practice. Pappas's press release states that Pappas made its decision to donate time based in part on conversations it had with the Political Office of the Media Bureau of the FCC. Accordingly, I request answers to the following questions:

1. Is it your view that a licensee should be permitted to donate time to use the public airwaves it is licensed to use in the public interest to support one political party over others? If yes, why? Would such action serve the public interest? If yes, how?
2. Is it your view that a licensee should be permitted to donate time to use the public airwaves it is licensed to use in the public interest to support one candidate or set of candidates for state or local office(s) over others? If yes, why? Would such action serve the public interest? If yes, how?
3. Is it your view that a licensee should be permitted to donate time to use the public airwaves it is licensed to use in the public interest to support one candidate or set of candidates for federal office(s) over others? If yes, why? Would such action serve the public interest? If yes, how?
4. Is it your view that a licensee should be permitted to donate time to use the public airwaves it is licensed to use in the public interest to support third party groups that advocate the election of a candidate or a particular ballot issue during an election over others? If yes, why? Would such action serve the public interest? If yes, how?
5. If Pappas goes forward with using the public airwaves to support one political party, candidate or set of candidates over others, would anything prevent all licensees from donating large amounts of time to use the public spectrum they are licensed to use in the public interest only to their favored party or candidates during the next election cycle?
6. What conversations has the FCC had with Pappas on this issue? When did these conversations take place and which FCC staff were involved?
7. Please describe in detail any conversations that may have occurred between the FCC and Pappas on this issue. Additionally, please provide me with a copy of any correspondence between the FCC and Pappas that relates to this matter.

The Honorable Michael K. Powell
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Given the seriousness of this issue and the fact that Election Day is less than a week away, I would appreciate an answer to these questions on Monday, November 1, 2004. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell". The signature is fluid and cursive, with a large initial "J" and "D".

JOHN D. DINGELL
RANKING MEMBER

Attachment

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce



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Press Releases

Press Releases of Pappas Telecasting Companies

FOR IMMEDIATE RELEASE
October 26, 2004

Contact: Washington, D.C.
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PAPPAS TELECASTING COMPANIES ANNOUNCES NON-MONETARY IN-KIND CONTRIBUTIONS OF AIRTIME TO CALIFORNIA STATE REPUBLICAN AND DEMOCRATIC CENTRAL COMMITTEES

Company to Give Equal Opportunity to Opposing Candidates In Relevant Markets As Required by Law

Visalia, California - Pappas Telecasting Companies, the largest privately-held, commercial television broadcast group in the United States, today announced non-monetary, in-kind contributions of airtime on several of its California television and radio stations to certain Republican and Democratic County Central Committees in California. Each California State County Committee will receive up to \$25,000 in airtime to use at its discretion between now and Election Day, November 2. These in-kind contributions, made in accordance with California State law, will be made to the Republican Central Committees in the Counties of Tulare, Stanislaus, Fresno, San Joaquin, San Diego, San Bernardino, Sacramento, Riverside, Merced, Madera, Kings, Imperial, and Santa Clara, and the Democratic Central Committees in the Counties of San Francisco, Santa Clara, Stanislaus, San Joaquin, and Sacramento. The airtime may be used, subject to availability and other conditions set forth in the offer, on Pappas owned-and-operated stations KMPH-TV/Fresno-Visalia, KFRE-TV/Fresno-Visalia, KMPH-FM/Fresno-Visalia, KTNC-TV/San Francisco-Oakland-San Jose and Sacramento-Stockton-Modesto, and KSWT-TV/Yuma-El Centro.

Pappas Telecasting is making these in-kind contributions of its airtime after consultation with California political counsel, communications law counsel, and the Political Office of the Media Bureau of the Federal Communications Commission to ensure the legality of the contributions. As required by Federal law and regulations, equal opportunities will be made available for candidates opposing those candidates to whom this airtime is allocated by the various Central Committees.

Harry J. Pappas, Chairman and CEO of Pappas Telecasting Companies, said, "Pappas Telecasting is a bipartisan company. The Company, its affiliates, and I have a long history of supporting candidates at the national, state, and local level from both political parties. In this instance, our stations are making these non-monetary contributions of airtime to the California State County Committees of both parties, and we plan to continue to contribute to both parties and their county committees on a case-by-case basis, as permissible under applicable state law. The exercise of one's freedom of speech is one of the most sacrosanct rights in our society. We believe that we are doing our duty as citizens by speaking out, and inviting others to speak on our stations, and we defend the rights of all to speak – even when we disagree with them."

In July, Pappas Telecasting announced its "Election 2004 Voter Awareness" initiative, a public service campaign of enhanced candidate and issue coverage in the 30 days preceding Election Day 2004. As part of this initiative, all of Pappas Telecasting's news-producing network-affiliated stations are devoting a minimum of five minutes per day to

election issue and candidate coverage within their local daily newscasts. Additionally, all Pappas Telecasting stations are broadcasting originally-produced "Go to the Booth" voter registration public service announcements daily.

Company Profile

Pappas Telecasting Companies is the largest privately-held, commercial television broadcast group in the United States in terms of U.S. Household coverage as defined by Nielsen Media Research. The company owns 25 market-leading Fox, WB, ABC, CBS, UPN and Azteca America affiliates, and operates three other stations pursuant to local marketing agreements, in all regions of the United States. Additionally, Pappas owns 15 on-air digital channels, operates three others under LMAs, and has an agreement to purchase one additional digital channel. The company holds construction permits to build 24 additional television stations, and has an option to purchase a construction permit for a full-power, five million watt station. Pappas also owns KMPH-FM NewsRadio 107.5 in Fresno, is moving KTRB-AM 860 from Modesto to the San Francisco-San Jose radio market, and is constructing KPMP-AM 840 in Modesto. According to statistics from Nielsen, Pappas Telecasting television stations serve more than 15% of all U.S. television households. In addition, the company owns or operates television stations in markets reaching 34% of U.S. Hispanic households and nearly 37% of all U.S. Hispanic persons age 2+. In total, Pappas owns, operates, or is constructing stations in 25 Designated Market Areas.

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