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Federal Communications Commission
Office of Secretary

September 21, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002

Attn: William H. Davenport, Chief
Investigations and Hearings Division
Enforcement Bureau
Room 4-C330

**Re: In the Matter of Complaints Regarding Various Television
Broadcasts Between February 2, 2002 and March 8, 2005;
Court Remand of Section III.B of the Commission's March 15,
2006 Omnibus Order Resolving Numerous Broadcast
Television Indecency Complaints**

To the Commissioners:

We respectfully submit the following comments and declarations in response to the recent public notice in the above-referenced matter, *FCC Announces Filing Procedures in Connection with Court Remand of Section III.B of the Commission's March 15, 2006 Omnibus Order Resolving Numerous Broadcast Television Indecency Complaints*, DA 06-1739 (rel. Sept. 7, 2006) ("*Public Notice*"). We believe that the unprecedented expansion of the regulation of broadcast "indecency" and "profanity" by the Commission over the past two years is chilling many types of expression that, in our judgment, the public ought to be able to see and hear, or unnecessarily subjects broadcasters to the risk of substantial fines or other sanctions, including non-renewal of their licenses, if they air such broadcasts. Submitted herewith are declarations by:

- Thomas J. Kigin, on behalf of Minnesota Public Radio|American Public Media
- Garrison Keillor
- Stanley A. ("Bud") Wilkinson, Jr., on behalf of *Broadway's Biggest Hits*

Marlene H Dortch
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- Dennis Fisher, on behalf of Pennsylvania television station WNEP,
and
- Robert J. Sikorski, on behalf of Niagara Frontier Radio Reading
Service, Inc.

The attached declarations illustrate these effects, and I respectfully refer you to them.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Mitzi T. Gramling". The signature is written in a cursive, flowing style.

Mitzi T. Gramling
Associate General Counsel

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

In the Matter of)
)
Complaints Regarding Various Television)
Broadcasts Between February 2, 2002 and)
March 8, 2005; Court Remand of Section)
III.B of the Commission's March 15, 2006)
Omnibus Order Resolving Numerous)
Broadcast Television Indecency)
Complaints)

I, THOMAS J. KIGIN, do hereby declare as follows:

1. I am employed as the Executive Vice President and General Counsel of Minnesota Public Radio|American Public Media ("MPR|APM"). I make this Declaration on MPR|APM's behalf in response to the recent Public Notice in the above-captioned matter, *FCC Announces Filing Procedures in Connection with Court Remand of Section III.B of the Commission's March 15, 2006 Omnibus Order Resolving Numerous Broadcast Television Indecency Complaints*, DA 06-1739 (rel. Sept. 7, 2006) ("*Public Notice*"). Except to the extent expressly indicated to the contrary, this Declaration is made upon my own personal knowledge and/or records maintained by MPR|APM in the ordinary course of its business and I would be competent to testify to the facts set forth herein.

2. MPR, a non-profit organization, is a regional public radio network based in St. Paul, Minnesota that serves some 650,000 listeners each week across seven states on 37 public radio stations. MPR provides three program services: a news and information service, a classical music service, and a contemporary music service. In

addition, as American Public Media, MPR|APM produces more nationally distributed original programming, including documentaries and news programming, than any other station-based public radio organization – indeed, national programming produced by MPR|APM reaches some 14 million people per week. MPR|APM has won more than 800 journalism awards, including the Peabody Award and the Alfred I. duPont-Columbia University Gold Baton in 2001. MPR|APM has over 740 affiliate stations around the country who broadcast programs produced and distributed by APM.

3. MPR|APM’s target audience for most of its programming is obviously adults. However, we recognize that children may be listening along with their parents, while in the car, for example. While the vast majority of MPR|APM’s programming does not involve language that may be viewed as inappropriate for children, or can be prepared without using such language, MPR|APM has on occasion, after giving the matter careful editorial scrutiny, included adult language in news reports and other programs where the inclusion of such language is, in our editorial judgment, important to the report or program. We do not include such language gratuitously, but sometimes conclude that to omit it would so change the quality of our content that its inclusion in our programming is, in our editorial judgment, essential.

4. As a result, MPR|APM has been and will continue to be directly and negatively affected by the FCC’s expansion in enforcement of the prohibitions on broadcast “indecentcy” and “profanity” over the past two years and its effectively ad hoc approach in applying those prohibitions. Indeed, it now appears that the FCC will apply its prohibition of the so-called “F” word, and analogous words as well, based on its own

judgments as to the context and the literary or political merit of the work in which the word appears.

5. The prospect of huge fines and the threat of license revocation and/or non-renewal for broadcast licensees have caused MPR|APM to alter the way it makes decisions about its programming. The enactment of the Broadcast Decency Enforcement Act (“BDEA”), which dramatically increases those fines, will no doubt exacerbate these negative effects on our programming decisions. Regrettably, MPR|APM’s decisions are no longer based solely on editorial judgments that have well-served a large listener audience for many years, but instead on the prospect of crippling financial and legal risks for MPR|APM and its affiliates. MPR simply cannot risk either huge fines or license revocation for the MPR’s 37 radio stations or APM’s 740 affiliate stations if it were to guess wrong about what is now acceptable for broadcast.

6. In light of this enforcement regime, MPR has adopted a number of practices. For example, MPR|APM now briefs participants in live programming of the forbidden words (as best MPR|APM understands them) and requests that all participants refrain from using any of them. In one such instance, for example, highly-regarded Minnesota writer and musician Bill Holm planned to read from a well-known poem during the program “*A Literary View*®,” which was to be recorded before a live audience at the College of St. Benedict in St. Joseph, Minnesota and then broadcast by MPR on its network of stations the next day. The program was intended as a discussion among authors and musicians about the interrelationship of language and music. The poem in question, “Stella by Starlight,” by Phil Bryant, addresses issues of language. In one passage of his poem, Bryant observes that, were one “to quote any passage out of

Shakespeare, every other word was ‘fucking’ this and ‘fucking’ that.” Admonished by MPR for fear of FCC sanction, however, Mr. Holm omitted the “F” words when he read the poem. And, thus, the version of the poem heard by MPR’s listeners was as follows: “. . . to quote any passage of Shakespeare, every other word was ‘dirty word’ this and ‘dirty word’ that.” The citizens of Minnesota can and do expect more from their broadcasters than this obsessive focus on individual words in larger works of considerable merit, but such an obsessive focus is precisely what MPR|APM, by virtue of the FCC’s current approach regulating “indecentcy” and “profanity,” coupled with the draconian fines available under the BDEA, must now employ.

7. Another example concerned a September 2004 interview with well-regarded poet and author Nick Flynn, whose most recent book was titled, “Another Bullshit Night in Suck City.” Mr. Flynn, an assistant professor of literature at the University of Houston, has won a variety of awards for his previous works, including the PEN/Joyce Osterweil Award, a Discovery/The Nation Prize, fellowships from the Library of Congress and the Guggenheim Foundation, and he was a finalist for the L.A. Times Book Prize. “Another Bullshit Night in Suck City” is a memoir about Mr. Flynn’s father, their relationship, and homelessness: Mr. Flynn’s father was homeless late in his life, and the book’s title is drawn from a phrase his father would utter to describe his life on the streets. The book, which has been widely praised and described by at least one critic as a “significant work of art,” is available nationwide in most bookstores and, so far as MPR|APM is aware, in most libraries. It provides important social commentary and, for that reason, MPR|APM, like a number of other public and private broadcasters, undertook to interview its author. In the wake of the FCC’s Golden Globes decision, however,

MPR|APM was concerned that reciting the book's title on air could make MPR|APM a target for a complaint to the FCC, a concern that would be heightened today in light of the March 15, 2006 Omnibus Order ("Omnibus Order") which specifically found the use of the term "bullshit" to be indecent – despite its use to mean "nonsense" or something that cannot be believed, rather than to refer to an excretory function. *See* Omnibus Order ¶¶ 125-131. Accordingly, MPR|APM determined that it had no choice but to (1) warn parents at the beginning of the program that the host was about to interview the author of a book with a potentially offensive title, (2) use the full title of the book only once at the beginning of the interview, immediately following the parental notice, and (3) refer to the book in the remainder of the interview as "Another BS Night in Suck City." MPR|APM did so despite our belief that the audience would have understood the context in which the proper title was being used and would not have been offended by it, but MPR|APM had no confidence that the FCC would view the matter the same way if a person *not* a regular member of MPR|APM's audience used the broadcast as an opportunity to initiate a complaint.

8. MPR|APM has a sister organization, non-profit Southern California Public Radio ("SCPR"). SCPR had, for several years, broadcast the audio from performances at LA Theater Works, a highly regarded forum for new plays and other performances in Los Angeles, on the station KPCC-FM in Pasadena, a station operated by SCPR. The broadcasts typically have been on Saturday nights at 8:00 p.m. local time – consistent with when the curtain typically rises on the live performances. To my knowledge, SCPR has not previously received a complaint or inquiry from the FCC regarding its LA Theater Works broadcasts. In 2004, however, SCPR broadcast on KPCC LA Theater

Works' production of the Tony Award-winning play "Dinah Was," about music legend Dinah Washington. Not surprisingly, given Ms. Washington's life and times, the play contains various commonplace "swear" words and sexual expressions. As a result of the ongoing, heightened FCC enforcement activity, and the introduction of an earlier version of the legislation that has now been enacted as the BDEA, SCPR felt it had no choice but to temporarily remove the LA Theater Works broadcasts from the air until it could evaluate ways to minimize future broadcast of any potentially objectionable language. Having concluded that it is neither appropriate nor feasible to edit the performances for language, and because the contemporary playwrights showcased by LA Theater Works often use language that the FCC has indicated it would find sanctionable, SCPR has reluctantly moved the LA Theater Works broadcasts to begin at 10:00 p.m., in the FCC's so-called "safe harbor." Unfortunately, both SCPR and LA Theater Works have concluded that broadcasts at this late hour will attract only a fraction of the former audience for this series of outstanding theatrical events. Furthermore, although SCPR never found it necessary to devote the staff time to screening the serious and well-regarded plays produced by LA Theater Works prior to broadcast, in the current legal and regulatory environment, SCPR has no choice but to perform a full legal review of each such script, at no small additional cost to the station.

9. The FCC's heightened enforcement regime likewise has and will continue to affect MPR|APM's decisions regarding news coverage. For example, MPR|APM has in the past had a practice of broadcasting comments from a range of citizens on controversial topics of public concern. Experience teaches, however, that mild profanity is commonly used by a large number of average adults, and that such profanity is

particularly common as a means of expression in certain demographic groups. MPR's news division has found it necessary to engage in serious discussions about whether current regulations would permit it to broadcast a reference by one citizen to "kicking the President's ass," in the context of a critique of the current Administration. Depending on whether and to what extent the FCC makes good on what MPR|APM understands to be its pledge to investigate each complaint it receives about such language, MPR|APM may have to forego broadcast of such citizen opinions altogether, change the way it gathers and selects them for broadcast, or avoid interviewing persons likely to employ such words in their commentary. MPR|APM views each of these alternatives as unacceptable and a disservice to its listeners. But the threat of bankrupting fines or license revocation can make the otherwise unacceptable essential.

10. Four years ago, MPR|APM produced and distributed a documentary called "The Sonic Memorial Project," which chronicled the sounds and voices of the World Trade Center and its surrounding neighborhood. The documentary was broadcast on MPR stations and dozens of other public radio stations around the country. First aired on September 10, 2002, the program went on to receive the prestigious Peabody Award in 2003. The original broadcast included a poem by a Hilary North, who had survived the attacks, as follows:

PAUL AUSTER (narrator): Hilary North worked at the Aon Corporation on the 103rd floor of Two World Trade Center. Hilary wrote this poem.

HILARY NORTH: OK. The poem is called 'How My Life Has Changed.'

I can no longer flirt with Lou.

I can no longer dance with Myra.

I can no longer eat brownies with Suzanne Y.
I can no longer meet the deadline with Mark.
I can no longer talk to George about his daughter.
I can no longer drink coffee with Rich.
I can no longer make a good impression on Chris.
I can no longer smile at Paul.
I can no longer hold the door open for Tony.
I can no longer confide in Lisa.
I can no longer complain about Gary.
I can no longer work on a project with Donna R.
I can no longer get to know Yolanda.
I can no longer call the client with Nick.
I can no longer contribute to the book drive organized by Karen.
I can no longer hang out with Millie.
I can no longer give career advice to Suzanne P.
I can no longer laugh with Donna G.
I can no longer watch Mary Ellen cut through the bullshit.
I can no longer drink beer with Paul.
I can no longer have a meeting with Dave W.
I can no longer leave a message with Andrea.
I can no longer gossip with Anna.
I can no longer run in to Dave P. at the vending machine.
I can no longer call Steve about my computer.
I can no longer compliment Lorenzo.
I can no longer hear Herman's voice.
I can no longer see the incredible view from the 103rd floor.
I can no longer take my life for granted.

This poem, including its reference to “watch[ing] Mary Ellen cut through the bullshit,” was included in the broadcast in unedited form in 2002. When this program was rebroadcast on September 8, 2006, however, APM reluctantly felt that it had no choice

but to alert its affiliates and to “bleep” this word out of Ms. North’s poem for fear that a complaint to the FCC might result in the imposition of substantial fines. One affiliate e-mailed us to convey that it “appreciate[d] the redistribution of the program for a powerful commemorative event for 9/11,” but also complained that, by not warning the affiliate of this language early enough in its view, it potentially subjected the affiliate to fines as well:

Given the FCC’s explicit ruling on that particular word and its derivatives . . . we would have hoped the producers would have identified this earlier before re-distribution of this program.

It’s a sad commentary indeed that we have to worry about such things, but we can’t be a test case.

. . . Our broadcast version will include our best attempt at an edit to keep ourselves clear from a potential complaint.

And, thus, Ms. North’s memorial to her colleagues was truncated for fear of government sanction, even though the original broadcast had aired without complaint.

11. Two additional recent examples further illustrate this point. The issue of the use of expletives in news reports arose just last week in coverage of the shooting rampage at in Montreal, Quebec at Dawson College, a school for students between high school and college. APM distributes a current affairs program produced by the Canadian Broadcasting Corporation (“CBC”) called “As It Happens.” For more than 35 years, “As It Happens” has explored the heart of current events by talking to participants by telephone. On the day of the Dawson College shooting, the “As It Happens” program began with an interview of a 17-year-old student named Zachary Boucher, who had two friends shot in the rampage, one of them standing nearby him at the time as he crouched behind a car. In describing the day’s events on the air for almost five minutes, he used

the word “fuck” several times and the word “bullshit” once. He otherwise provided a thoughtful, first-hand perspective from a student on the scene well before most American media had arrived. As Canadian broadcasters are not subject to the same strict enforcement regime as their U.S. counterparts, the CBC aired the interview with Boucher in tact. APM, however, “bleeped” these words before distributing the program to U.S. stations and their listeners. Still, to further minimize its risk (for example, based on a fear that the “edited” version was not sufficiently well edited to satisfy the FCC) our sister organization, SCPR, elected not to air the broadcast at all on KPCC and instead broadcast different news coverage during that portion of “As It Happens.”

12. On July 17, 2006, during the closing lunch at the Group of Eight summit, President Bush, unaware that microphones were still on, expressed to British Prime Minister Tony Blair frustration that the United Nations had been unable to deter Hezbollah and its backers in Syria from continued attacks on Israel: “See the irony is that what they need to do is get Syria to get Hezbollah to stop doing this shit and it’s over.” National Public Radio’s program *All Things Considered*, which MPR stations air, included the full unedited audio of President Bush’s use of the word “shit.” Substantive commentary by the President to another world leader about war in the Middle East is, despite its use of a word that the FCC would otherwise consider to be “indecent” and “profane,” clearly something that our listeners as citizens ought to be able to hear in the words the President actually used. However, airing this newsworthy report potentially subjected each of our stations to a \$325,000 fine. MPR should not be forced to face the choice between reporting conversations between our President and other world leaders in an unvarnished fashion or risking huge fines or license revocation.

13. Similarly, MPR's news division has also been forced to address whether and to what extent, in the current legal and regulatory environment, we can safely broadcast interviews of and documentaries concerning drug abusers, prisoners, and even teenagers generally, given the propensity of persons in each of these groups to use language that other people may consider "indecent" or "profane." Yet, MPR cannot, on the one hand, purport to be providing an accurate profile or portrayal of such individuals and, on the other hand, coerce those individuals into changing their speech patterns and avoiding what, for them, is customary vocabulary, before MPR turns on its microphones.

14. Likewise, MPR|APM staff members have been forced to address the potential legal ramifications of broadcasting from venues where music is playing in the background of the event, since such music may contain words that the FCC deems "indecent" or "profane." This issue arises in, among other contexts, political reporting, when correspondents reach out to interview members of certain demographic groups gathered in bars that feature music with lyrics that may run afoul of the law, or at gatherings where such music is playing.

15. Similarly, music programming at MPR has also suffered. We have an internal policy about profanity, indecency, vulgarity and blasphemy. However, our concerns are very much heightened due to the current regulatory environment, especially on our contemporary music service. Facing such large potential fines from the FCC, we have each new song reviewed by two people before it can be aired and, as a result, our process for getting new music on the air is incredibly slow and it is hard for us to remain timely. This process of having two people review each song has added considerable additional cost to our operations. Our production staff finds it difficult to know what to

edit since there is no list of what is acceptable and what is not. In general, our staff is terrified that it will make a mistake and play something that might subject us to fines. This means that they take fewer chances and that fewer songs are aired in the unedited form in which the artists created them – and in which, in our experience, most listeners want to hear them.

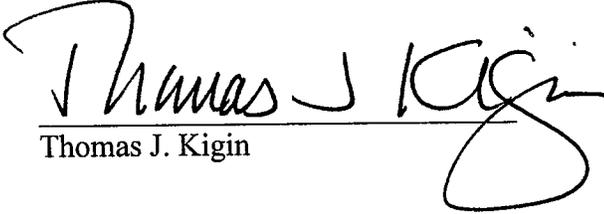
16. Even MPR|APM's coverage of significant historical events can be compromised by the current enforcement of the "indecent" and "profanity" regulations. A documentary produced by MPR|APM in late 2003, titled "The President Calling," was based on and included excerpts from the White House telephone tapes of, among others, President Richard Nixon. Observing that President Nixon was elected on a platform that called for restoring "decency" to the White House, the report explores the conflict between Mr. Nixon's beliefs and his behavior as president, chronicling the "real" Nixon as he conducted business from the Oval Office. Thus, the report included recordings of President Nixon talking to government officials using such phrases as, "I don't like the son of a bitch," and "do that right away or goddammit I'll fire this whole fucking staff, do you understand that?" President Nixon's use of this language, in the Oval Office and for official business, is precisely the point of the documentary. Under the current state of the law, and particularly in light of the enhanced penalties provided in the BDEA, however, MPR|APM is unsure whether it or any other public radio station could safely re-broadcast this documentary without editing *out* the precise words that illustrate the documentary's point. It would be far too easy for someone who disagrees with the documentary's point of view to file a complaint with the FCC, at a minimum potentially provoking a costly Letter of Inquiry and, at worst, subjecting stations airing it to crippling sanctions. And

without any meaningful guidance as to which way the FCC will go, MPR|APM could not take that risk.

17. The recent proceedings at the FCC have made clear that it will likely impose fines or even license forfeiture for each utterance of the word “fuck” and “shit.” While the FCC has attempted to suggest in its *Saving Private Ryan* order that such words might be acceptable in certain contexts, the Omnibus Order – particularly its finding that similar language used in a Martin Scorsese documentary about blues musicians was “indecent” and “profane,” *see* Omnibus Order ¶¶ 72-86 – leaves us unable to predict in any meaningful way whether language used in our programming will be deemed to run afoul of the FCC’s rules and will subject our stations and affiliates to fines, or worse. This uncertainty has itself caused MPR|APM to make changes in its programming to protect itself from censure, because the price of guessing incorrectly has changed dramatically over the past two years, and all the more so with enactment of the BDEA. Those extraordinary fines, coupled with the FCC’s avowed determination to punish every utterance that its staff or commissioners determine is “indecent” or “profane,” means that MPR and the stations that broadcast its programming will have to avoid words and topics that are even potentially sanctionable. This need to stay far clear of the uncertain prohibited zone has and will continue to prevent MPR|APM from fulfilling its mission of serving the news and entertainment needs of the communities in which it operates. MPR|APM quite literally cannot afford the price of being wrong, even once.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: St. Paul, Minnesota
September 20, 2006


Thomas J. Kigin

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

In the Matter of)
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Complaints Regarding Various Television)
Broadcasts Between February 2, 2002 and)
March 8, 2005; Court Remand of Section)
III.B of the Commission's March 15, 2006)
Omnibus Order Resolving Numerous)
Broadcast Television Indecency)
Complaints)

I, GARRISON KEILLOR, do hereby declare as follows:

1. I am a radio broadcaster and, among other broadcasting-related activities, I am the originator and host of the public radio program, "A Prairie Home Companion," a chronicle of life in Lake Wobegon, Minnesota. I make this Declaration in response to the recent Public Notice in the above-captioned matter, *FCC Announces Filing Procedures in Connection with Court Remand of Section III.B of the Commission's March 15, 2006 Omnibus Order Resolving Numerous Broadcast Television Indecency Complaints*, DA 06-1739 (rel. Sept. 7, 2006) ("*Public Notice*"). Except to the extent expressly indicated to the contrary, this Declaration is made upon my own personal knowledge and/or records maintained in the ordinary course of business and I would be competent to testify to the facts set forth herein.

2. As those who have listened to "A Prairie Home Companion" know, Lake Wobegon is a town of two-thousand souls in central Minnesota, predominantly Norwegian Lutheran and German Catholic, set amidst rolling hills on the edge of the great prairie, marked by a water tower and a grain elevator and the steeple of Our Lady of

Perpetual Responsibility. For thirty years, I've told stories on the radio about its inhabitants and their ordinary lives, stories that for some reason radio listeners have been amused or comforted or moved by. Very often, as I tell them, I am aware of censoring myself, omitting detail, drawing a curtain, which I do because radio is an intimate medium and I don't want to offend people, and I am my parents' son, but even so, some people are sometimes deeply offended by what I say or how I say it. Tastes vary. For example, some people bridle at any reference to bodily functions. In Lake Wobegon, people's bodies function pretty much the same as everywhere else. Sometimes these things are of interest. I work out these questions on the spot, by intuition and conscience, and if I offend people, then my radio show pays the price for it in the sense that those who are offended tune the program out. Nobody is seriously injured. That, it seems to me, is the most effective sanction for the broadcast of "inappropriate" material, and the only one consistent with the freedom of speech (and conscience) to which all citizens are entitled.

3. Indeed, as a creator of radio programming, most of which is produced in front of a live audience, it is essential that I be respectful of and responsive to my listeners. But it is equally essential that I be true to the realities of the life experiences on which I draw for the stories I tell, which, if not always about "real" people, are always about how people really are. And that includes, from time to time and in ways I consider appropriate, discussing the kinds of things that really happen to people, and the words they really use to describe them.

4. As someone who aspires to be a responsible broadcaster, however, I am obliged to keep in mind the limits that the government at least claims it is entitled to

impose on the content of my programs (which for the most part are carried on broadcast radio, not cable or satellite channels), not least because I have no desire to put the licenses or funds of the stations that carry my programs at risk. In this regard, the FCC's unprecedented construction and enforcement, beginning in 2004, of the statutes that prohibits the broadcast of "indecent" and "profanity" have had and continue to have a substantial negative impact on the my programming. Beginning in early 2004, the FCC's expanded definitions of these terms and its determination to apply the maximum fines to violators have caused me to engage in self-censorship in the production of "A Prairie Home Companion" for fear of being exposed to or exposing the stations that carry the program to severe financial and legal penalties. This is particularly so given what I understand to be a determination by the FCC to sanction even isolated or fleeting broadcast of even a single word falling within its almost unbounded definitions of "indecent" or "profane." The passage of the Broadcast Decency Enforcement Act of 2006 ("BDEA"), with its greatly increased financial penalties, substantially exacerbates this incentive to self-censor.

5. Put simply, these legal developments of necessity influence the way that the radio stations that broadcast my programs evaluate my choice of material. And the prospect of that evaluation of necessity influences the material I choose. I understand that some people, including, apparently, a substantial number of FCC commissioners and at least some congressmen, think that is a good thing. I am not so sanguine that the commissioners or congressmen, or their respective staff members, are better judges of what is suitable material for broadcast than are my listeners. By way of one example, attached to this Declaration as Exhibit A is an exchange of email messages between the

management of a Texas station that broadcasts “A Prairie Home Companion” and a listener who was complaining about that station’s “censorship” of the November 6, 2004 installment of the program for fear of FCC sanction. The listener forwarded the email exchange to my attention. Apparently, the station was threatened with complaints to the FCC for the broadcast of indecency or profanity because of a joke I told about whether born-again Christians should have the right to vote, since, as the punch-line goes, “being born again, they are no longer citizens of this country, but of heaven.” Given the various definitions the FCC has said it will give to the term “profanity,” which continue to change over time and which remain unclear, the station’s fear of sanction presumably had been increased manifold. That means I need to think twice or three times about telling such jokes, no matter how astute an observation on our political culture I may think them, since I owe it to the stations that carry my program not to get them in trouble with the FCC if I can avoid it.

6. By way of another example, during the first week of April 2005, I broadcast a monologue that led to complaints. Now, I receive complaints about what I say on the radio from time to time, from people who disagree with positions I have taken or views I have expressed, and this is their right and I am glad they write to me about it. But these complaints were about words I used, not the message I was sending. Attached to this Declaration as Exhibit B is the script for that monologue as it was broadcast. In the monologue I used the word “nigger” and the phrase “son of a bitch.” These words are always crude, and sometimes wrong to use, but in the story I was telling, they had their place. I used them deliberately because they established clearly and concisely, the character of the person I was talking about – he was the kind of man who would use the

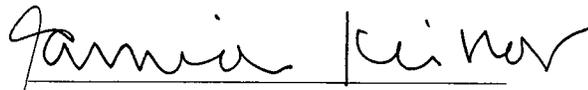
word “nigger” to describe a Black American, and he was the kind of man that other people would call a “son of a bitch.” That’s exactly how the people of Lake Wobegon would talk about this man, and so did I. And in context, I think any reasonable adult would understand why. But a station called to complain that I was putting its money and its license at risk by using these words. I can’t say whether the FCC would actually fine a station for broadcasting my monologue (indeed, the lawyers my colleagues and I asked about it told me they can’t figure out the answer either, given the ambiguity of the law against indecent and profane radio broadcasts). But, what I can say is that this station told me clearly that *it* is afraid it will be fined, and so it has doubts about whether it should broadcast my monologue. The station that complained was nice enough to say that it “doesn’t want to stifle my creativity,” but that it “wants me to be aware of the changed environment for stations.” That “changed environment” means censorship, pure and simple, every bit as much as if the government were doing it directly, rather than indirectly through sky-high fines and aggressive posturing.

7. Speaking for myself, I think it might well be impossible to work under stricter government regulation of my speech in regard to “indecent” or “profanity.” It’s hard enough to tell good stories well, without having to worry about what the government thinks of them. A law like the BDEA and the definitions the FCC is giving to the legal terms, that seek to impose more onerous burdens of “decency” on broadcasters than has been the case for my entire career in radio, would drive me crazy, plain and simple. As I said, some people might think that is a good thing. From where I sit, however, it seems to me such regulation will only serve to further limit the breadth of material available to

listeners, and to reduce me to telling stories fit only for children. Stories for children are good things, but adults need stories, too.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: Minneapolis, Minnesota
September 19, 2006


Garrison Keillor

From: Stewart Jacoby [mailto:stewartjacoby@kedt.org]
Sent: Tuesday, November 09, 2004 10:20 AM
To: James B. Stewart
Subject: RE: Prairie Home Companion

I appreciate your comments very much. We are not censoring the program in any way. The live program always airs intact. In fact, this is the only occasion in which a decision was made not to air the encore due to content. If no one had called in to complain there wouldn't have been a problem. You may have heard on the news several weeks ago, that the FCC fined a number of television stations across the country for carrying a program with material deemed to be indecent. The FCC admonished the local stations for not taking the initiative to censor the program, when they knew in advance the type of material contained in the program. I'm sure they'll appeal, but they have a whole lot more money for court battles than we do.

I hope you'll understand that our announcer was simply being cautious. He said some of the callers were rude and angry. When you're on the receiving end of those calls, it can have an affect on you. He didn't want to open himself up to receiving more such calls the following day, so that certainly had an impact on his decision. I was tied up over the weekend and he was unable to reach me. Had he reached me I might have come up with a different solution. I'm certain we're being overly cautious, and am very hopeful that the FCC comes up with fairer solutions on the decency issue. I'm sure you'll agree that what might be indecent to one listener, will not be to another. As far as censoring the program one other time, I can't recall the incident you're speaking of. Please refresh my memory.

Finally, we receive a number of complaints on the content of A Prairie Home Companion on a regular basis. I believe it could be one of the reasons why financial support for the program has fallen off dramatically. During our pledge drive two weeks ago, I had a telephone conversation with one of our patrons who has pulled his support from our station because of the content of APHC and Whad 'Ya Know. So, we get it from both sides of the coin. The difference between commercial and public radio, however, is money. If someone is not happy with something they hear on commercial radio, they simply change to another frequency. If they're not happy with something they hear on public radio, they pull their money and no longer support us. If everyone did that, we would not be able to broadcast. So, we are constantly maintaining a delicate balance in an effort to keep the majority of our supporters happy and satisfied with our programming efforts.

Again, I really appreciate your comments. I know my e-mail is somewhat lengthy, but I feel you deserve an honest explanation. Thank you again. And, thanks for listening.

Best regards,

11/16/2004

Stewart

-----Original Message-----

From: James B. Stewart [mailto:jbstew@cox-internet.com]
Sent: Monday, November 08, 2004 8:56 PM
To: stewartjacoby@kedt.org
Subject: RE: Prairie Home Companion

Mr Jacoby,

Thanks for the explanation. I find it difficult to believe the FCC would discipline or fine one individual public radio station in the country when others have aired the same program without fine or sanction. However if you truly feel that KEDT would be singled out for that sort of treatment based an "official complaint", then I understand your thinking. I don't agree with it, but I understand it.

What I would truly hate to think is that you chose to censor the program because a few cranks called in and whined and likely threatened to not renew their membership. Frankly I am very disappointed you did not run the program on Sunday. Since your station has a history of having censored Keillor on another occasion, it does make one wonder.

Sincerely,

James Stewart

From: Ludie Litz [mailto:ludielitz@kedt.org]
Sent: Monday, November 08, 2004 4:07 PM
To: jbstew@cox-internet.com
Subject: FW: Prairie Home Companion

-----Original Message-----

From: Stewart Jacoby [mailto:stewartjacoby@kedt.org]
Sent: Monday, November 08, 2004 3:43 PM
To: Ludie Litz
Subject: RE: Prairie Home Companion

Mr. Stewart:

Thanks very much for your e-mail. If you are talking about the Sunday encore of Saturday evening's broadcast, I discussed it with our weekend announcer. During Saturday evening's live performance, our announcer said he received over a half dozen phone calls from listeners complaining about some of the content of the program. The callers complained that some of the jokes, and I guess one in particular, was inappropriate-perhaps even indecent. Because of the complaints, he made the decision not to carry the Sunday encore.

The problem is basically this: According to recent FCC regulations and rulings, Mr. Keillor alone is responsible for the content of his show when it's broadcast live, but because the show's encore is recorded locally for playback on Sunday, we can also be disciplined and subject to fines if someone files an official complaint. Our announcer's actions were entirely appropriate under the circumstances. Please contact me if you have any more questions or concerns. Thanks again for your e-mail.

Best regards,

11/16/2004

Stewart Jacoby
Director of Radio Programming

-----Original Message-----

From: Ludie Litz [mailto:ludielitz@kedt.org]
Sent: Monday, November 08, 2004 1:54 PM
To: Stewart Jacoby
Subject: FW: Prairie Home Companion

-----Original Message-----

From: James B. Stewart [mailto:jbstew@cox-internet.com]
Sent: Monday, November 08, 2004 1:37 PM
To: ludielitz@kedt.org
Subject: Prairie Home Companion

I was driving home from San Antonio this afternoon listening to 89.1 and caught the Nov. 6 Prairie Home Companion. I called my wife and suggested she might want to tune in at 4 p.m. to KEDT and listen to it. When I got in range I discovered you were not airing in Nov. show. Is there a reason why you did not broadcast the show?

James

Exhibit B

It has been a quiet week in Lake Wobegon. Easter came and went and all of the brass players for miles around were employed, some of the good trumpet players worked three and four services, playing "Jesus Christ is Risen Today" for the Methodists and then driving twenty miles to do it for the Lutherans and then off to do the Presbyterians and the Catholics. It is spring at last and the snow is almost gone, thanks to the big thunderstorm we got this week, and now the air smells like moss. Kites are out and Frisbees. The crocuses are coming up. Daylight Savings Time is here on Sunday The snowbirds are coming back from Florida, bringing back seashells, which we already have enough of, but if you don't collect seashells, how would you know you were in Florida? The squirrels are tearing around and people on bicycles and geese are flying in and people are starting to sleep with their windows open and in the morning they're awakened by songbirds in the trees. The first ants have been seen. Not the ones who make the potato salad but the kind who go around with loads a hundred times their body weight. Though some of your aunts were strong women, and if you had their potato salad to eat every day, you'd increase your body weight a hundred times. There are blackbirds in town and mourning doves. Mourning with a u. Not morning, as in Monday morning, but mourning, grief. The doves are attending a funeral and making the appropriate soft sobbing sounds.

We've thought about death this week, as we've watched Pope John Paul II dying, preparing to be received into heaven, and as we've waited for that shy sweet lovely young woman in Florida to be ushered to her eternal reward, a woman whose own life and personality and will was almost completely obscured by the lunatics who gathered around her these past few months. Theresa Marie, may the Lord gather her into His Presence and may eternal light shine upon her. And to my descendants ---- who may be in charge of me someday, don't wait that long, please. Or I will hang around your house afterwards and rattle your cupboard doors late at night and give you bad dreams.

There are people in the world, and I sort of envy them, who seem to live entirely in the present, but back where I come from, the dead stay with us, they never leave entirely.

I went to my cousin's house in Lake Wobegon and spent the night and I was not alone in that bedroom. There was a woman lying in the bed. She was waiting for her husband. She was worried and she was naked in the bed and sometimes she'd get up to go to the window and look for him. I could feel her agitation. And then he came in the room, very quietly. She lay quietly in bed. He lay down with his clothes on and he smelled of whiskey. She lay naked next to him. They lay together, breathing softly, not speaking. So much I wanted to say to them, but it was years too late.

My address book I have tried over and over to bring it up to date, there are so many dead people in there, so many phone numbers I used to know by heart and if I called them now, a stranger would answer. But I haven't been able to. Whenever I come to New York, I bring a number of ghosts with me, my father always comes ---- he was stationed in New York during the war, he was billeted in a hotel in Soho and he marched with his

squad of postal clerks up Broadway to the Post Office where they sorted mail going over to the troops in Europe. So he comes along, and various other aunts and uncles and my cousin Roger who drowned when he was 17 but who enjoys the city. I went to a restaurant for dinner last night, just me, but I thought of Roger. I had the sea scallops. In Lake Wobegon in 1956 when he died, we didn't have sea scallops. He would've liked them, so I enjoyed them even more in his behalf.

Of course it limits the sorts of things you can do in New York when you have these ghostly Sanctified Brethren walking along beside you. So they don't go into the movie theater with me. They wait outside. They've never gone to the opera with me. But they enjoy the parks and seeing the sights. My ghosts are not disapproving or censorious, even the ones who were in life: they seem benevolent to me. At least they don't bother to comment on what I'm doing. They just watch.

Not so with all ghosts. Daryl Tollerud's dad died years ago and he left a lot of anger behind that still troubles them. He was a farmer and all I remember about him is that he drove fast. You'd see him go by on a summer day, a cloud of dust behind him, going eighty miles an hour down a gravel road. Sometimes you could hear him go by in the night. He had about six busted power mowers in his garage, busted because he got mad at them for not starting and he yanked the rope so hard it broke the crankshaft or he'd kick it. His pickup had big dents in the side where he kicked it.

His wife died of cancer when she was 72. She went down rather gracefully, with very little complaining ----- insisted that she didn't want to be a burden to her family, so she went to the Good Shepherd Home and sat in a sunny corner and read from the Psalms and had her chicken soup and faded away.

The old man was a handful. He got even angrier after she died. Threw away her stuff, her clothes, her books, her dishes, just threw it away, didn't take it to the Goodwill, or offer it to the children ----- he burned it and buried it. And then he settled into his cantankerous old age. He was somebody who when he came in to the Chatterbox Café for coffee, he always sat alone and you were glad he did. And after a few years he had a stroke. He was furious. It meant he couldn't walk. Couldn't or refused to walk with a limp. He lost the use of his right arm, pretty much. He couldn't speak very well, so he sat and fumed. Daryl did everything he could for his dad and put in ramps for a wheelchair and an electric lift so he could get in and out of bed and a new toilet with a handrail and a shower and opened up doorways so he could wheel around, and the old man came home and looked around and he said, "You're trying to kill me." They hired a young Filipino woman to come and care for him. "I don't want nigger women in my house," he said.

"Then you'll have to go back to the nursing home."

He sat and cursed them all in turn, and when Mari came, he refused to speak to her. But she was good to him. She was a saint. She worked out there seven days a week and did everything and her only time off was for Sunday morning mass. And then over a few months time, he became friends with her and refused to speak to his children. There were

rumors that he and Mari were lovers. His children came to visit him for Christmas and he sat in his wheelchair, his big fierce eyebrows, glowering at them, and after an hour they left. He said, "Good. I have no children. The only one who understands me is her" ---- and he pointed to Mari and his eyes filled with tears. "She's the only one."

He died in his sleep that spring. One morning he simply was gone. He had rewritten his will and left everything to Mari, the farm, the bank account, everything. His will was full of accusations against his children. Mari was a good woman and after the funeral she went to Father Wilmer and said, "This farm isn't mine, I can't accept it." And she signed it back to the children and left town with a check for a few thousand dollars, and that was that.

Except it wasn't. He is still there. Roaming around. You can feel his presence. In the pasture, the Holsteins lie grazing peacefully, and then, one by one, they get anxious and clamber to their feet and edge away ----- and you know, he's walked down there and he's yelling at them. They've had more car problems at the Tolleruds, more appliance problems ----- because the old man's ghost walks in and kicks the clothes dryer, opens up the hood of the car and he's angry because he doesn't understand how to fix it so he busts it. He did some good in the world: two of his daughters became therapists, motivated in some part by the fact that he was a son of a bitch. Their choice was between therapy and a life of psychopathic crime and they chose therapy.

I am grateful for my ghosts who are good people, slow to anger, patient, they keep their voices low. They were farmers who worked with horses and cows and so they make no sudden movements. You don't shout at cows, and you don't reason with them. You control them by closing off all other avenues except the one you want them to go, and then you get their attention by hitting them in a place where it does no harm, and then you lean on them. And they go. Sometimes I feel as if my ghosts are doing this with me.

There was so much anger surrounding the gentle woman dying in Florida, a sort of flamboyant anger I remember hearing in some preachers when I was a child ---- an anger that makes a person grateful for the slight advances of civility in our time ----- certain things that were sins now considered illnesses ----- alcoholism, for example, taken out of the hands of preachers and given to therapists, which somewhat reduced the level of cruelty and probably is more in keeping with the spirit of the Gospels.

Here is to the gentle and the soft-spoken and the patient, wherever they are. May they wait patiently for their triumph, knowing it will come in good time.

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

In the Matter of)
)
Complaints Regarding Various Television)
Broadcasts Between February 2, 2002 and)
March 8, 2005; Court Remand of Section)
III.B of the Commission's March 15, 2006)
Omnibus Order Resolving Numerous)
Broadcast Television Indecency)
Complaints)

I, STANLEY A. ("BUD") WILKINSON, JR., do hereby declare as follows:

1. I am the sole proprietor of Broadway's Biggest Hits, a Connecticut-based business. I am also the host and executive producer of the syndicated radio program *Broadway's Biggest Hits*. I make this Declaration in response to recent Public Notice in the above-captioned matter, *FCC Announces Filing Procedures in Connection with Court Remand of Section III.B of the Commission's March 15, 2006 Omnibus Order Resolving Numerous Broadcast Television Indecency Complaints*, DA 06-1739 (rel. Sept. 7, 2006) ("*Public Notice*"). Except to the extent expressly indicated to the contrary, this Declaration is made upon my own personal knowledge and/or records maintained by *Broadway's Biggest Hits* in the ordinary course of its business and I would be competent to testify to these facts.

2. A true and correct copy of my professional biography is attached hereto as Exhibit A. As it illustrates, I have substantial experience as a print and broadcast journalist.

3. Since October 1998, the syndicated radio program *Broadway's Biggest Hits* has been pleasing tens of thousands of listeners in the U.S. and Canada each

weekend by serving up “The Best of Broadway” – familiar songs from current and past musicals and interviews with well-known Broadway performers, composers and producers.

4. More than 150,000 listeners from coast-to-coast tune in for two hours on a lineup of stations that includes KIXI in Seattle, KOY in Phoenix, KEZW in Denver, WOKY in Milwaukee, WMLB in Atlanta, WZEZ in Richmond, AM 740 in Toronto and dozens more.

5. In marketing the program to potential affiliates, *Broadway’s Biggest Hits* is described as “a radio program that happens to play Broadway music” as opposed to “a Broadway show on radio.” It is designed to generate the largest possible audience and always takes into account the comfort level of listeners and the makeup of the target audience. While attracting listeners of all ages, *Broadway’s Biggest Hits* appeals primarily to educated, affluent listeners, who love Broadway show tunes and who know the content of the musicals and the context of the specific songs. Rarely do they complain about material presented in the show.

6. What was acceptable for airplay, though, has changed dramatically over the past couple of years. Popular songs that were long enjoyed by listeners began to be considered improper by affiliates, who have become increasingly fearful of Federal Communications Commission fines.

7. The result is that listeners have been deprived of some classic songs – songs that relate in important ways to our cultural heritage, and thus to our views of ourselves as Americans. Indeed, even a program as “mainstream” as *Broadway’s Biggest Hits* has been forced to rethink what it can broadcast without fear that the carrying

stations will incur a government investigation (and the costs that even a Letter of Inquiry from the FCC can impose) or substantial fines, or will have negative comments placed in their license renewal files. Self-censorship – as opposed to mere radio professionalism – is occurring at *Broadway's Biggest Hits*, and I assume at other equally well-regarded and heretofore innocuous programs – despite the fact that no listener has complained.

8. The first hint of affiliate fear came to my attention on July 27, 2004 when Bob Barnum, program director of Cumulus Media's WFAS in Westchester County, New York, e-mailed to report that parts of the song "Dance: Ten, Looks: Three" from the Tony Award-winning musical "A Chorus Line" (the fourth longest-running show in Broadway history) scheduled to air that coming weekend, were "not appropriate" for broadcast: "I do not wish to be perceived as a prude," Barnum wrote. "I have seen 'A Chorus Line' and loved it from beginning to end. However, ...('Dance: Ten, Looks: Three') is unacceptable on our radio station (especially in the current FCC climate) and will be edited out for the WFAS-AM broadcast." Barnum added, "Please try not to include such songs in future shows." A true and correct copy of the e-mail from Barnum is attached hereto as Exhibit B.

9. Prior to this, "Dance: Ten, Looks: Three" aired five times between 2001 and the end of 2003 without a whisper of complaint. The song humorously looks at the advantages of plastic surgery to enhance one's job prospects at theatrical auditions; jokingly (or perhaps not so jokingly) suggesting that improving one's "tits and ass" can change one's life.

10. Upon receiving Barnum's e-mail, I immediately responded in a two-fold manner: I e-mailed all affiliates, alerting them to the situation, and re-produced the

segment containing "Dance: Ten, Looks: Three" – replacing it with another song. The e-mail to affiliates read:

TO: Affiliates

FROM: Bud Wilkinson

Just want to alert you to a song in segment two of Hour Two of this weekend's show that may "push the envelope" and be inappropriate to some of you given the current climate at the FCC, and make you aware that an alternate segment is available.

The song in question is Dance: Ten, Looks: Three from A Chorus Line, the musical about what it's like to be a dancer on Broadway. The song humorously tells of how plastic surgery and improving one's "tits and ass" can improve one's chances for a job. This song has been played many times in the past without a problem or complaint. It's a funny song, complete with context, and most listeners are adults.

However, if you feel it's now inappropriate given the current "chill," be please be aware that an alternate version of the segment without that song is now available at [Internet .ftp address]. It's in the July 31-Aug. 1 folder and is clearly labeled.

Needless to say, that song and a few other favorites will be shelved until the climate changes in Washington.

A true and correct copy of my e-mail is attached hereto as Exhibit C.

11. My reason for acting as I did is because my customers are the affiliates, not the listeners. The listeners are the beneficiaries of my product, but the affiliates provide me with access to them. If the affiliates are fearful of the FCC – and they clearly are – well, then I am as well.

12. While most affiliates ultimately felt that "Dance: Ten, Looks: Three" was suitable for airplay, and that their listeners were sufficiently mature to handle the song, a few stations went with the alternate segment. Among those airing the revised version were Clear Channel's KABL in San Francisco and Adventure Radio's WLOW in Savannah/Hilton Head. In detailing why KABL took the safer route, program director Clark Reid simply explained, "They're pretty touchy about that kind of stuff around here

right now.” In a subsequent e-mail, Reid added, “Frankly, Bud, isn't this the craziest of times? It's like the FCC is handing out scarlet ‘As’ with a big fine attached.” A true and correct copy of Reid’s e-mail is attached hereto as Exhibit D.

13. The stations that didn’t have a problem with the song were in the majority. Cumulus Media’s WINE in Danbury, Connecticut and WPUT in Putnam, New York – only a half-hour drive north of WFAS – aired the program as originally recorded. So did Clear Channel stations KOY in Phoenix and KBLU in Yuma, Arizona, with Susan Nickell of KBLU suggesting that she’d hear complaints from listeners if she didn’t air “Dance: Ten, Looks: Three.”

14. Nonetheless, the concerns of the few have now resulted in a full review of the *Broadway’s Biggest Hits* playlist, the deletion of some well-known, popular and culturally and musically significant songs, and an “always looking over my shoulder” work atmosphere of second-guessing that continues today in which I either exclude or severely limit (in heavily edited form) the airplay of some classic Broadway songs. Among the songs now banned and/or censored from our playlist airing are “Master of the House” from “Les Miserables,” “The King of Broadway” from “The Producers,” “She Goes” from “High Fidelity,” “Purpose” from “Avenue Q,” “Great Big Stuff” from “Dirty Rotten Scoundrels,” “The Heat Is On in Saigon” and, ironically, “The American Dream” from “Miss Saigon” – in addition to “Dance: Ten, Looks: Three” from “A Chorus Line.” Each of these songs was written and/or composed by noted artists, has been performed countless times on countless stages, and has been sold millions of times over on LPs, tapes and/or CDs. But these songs will no longer be heard (or only heard rarely in severely edited form) on my radio program – despite the fact that not a single listener has

ever complained about them, and despite the mature makeup of the *Broadway's Biggest Hits* audience and the context and artistic merit of the individual songs.

15. Unlike songs from other genres – rap, rock or country – a show tune is a part of a complete show. Each song has context and advances the storyline of the musical:

- “Dance: Ten, Looks: Three” suggests what producers and directors look for when casting shows, and does so in a comedic way.
- “Master of the House” from “Les Miz,” another song that provides comic relief, has a corrupt innkeeper singing of how he manages to line his pockets while his wife laments, “Master of the house, isn’t worth my spit; comforter, philosopher and lifelong shit.” Prior to being dropped, “Master of the House” aired unedited 10 times over five years – without complaint. “Les Miserables” is the third longest running show in Broadway history (6,680 performances between May 1987 and May 2003).
- “The King of Broadway” from “The Producers” has the musical’s central character, producer Max Bialystock, bemoaning his sagging fortunes and wondering, “Who do you have to fuck to get a break in this town.” Prior to being dropped, “The King of Broadway” aired 11 times – without complaint. (It should be noted that only 20 or so songs are presented each week. The show has a policy of not airing the same song more than once every three months, so a song that has aired 11 times constitutes “heavy” airplay.) “The Producers” is arguably the most successful show in Broadway history – the winner of a record 12 Tony Awards. As of April 9, 2006, it had grossed more than \$256 million on Broadway alone.

16. Based on my experience, listeners will find the absence of “Dance: Ten, Looks: Three” even more curious as a revival of “A Chorus Line” opens on Broadway this week. That a radio program showcasing Broadway musicals cannot include an important song from one of the most popular musicals of all time without causing problems for the stations that air the program is contrary to what our country is all about.

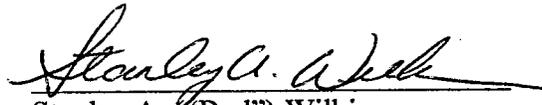
17. These and the other dropped songs are all a part of the cultural fabric of the country, but songs from them are now effectively being censored – after the marketplace has already decided that they are not only acceptable for airing, but has

warmly embraced them. Indeed, these cuts in the playlist have occurred solely because of the fear engendered by the FCC's current enforcement regime and its vague and confusing interpretation of the laws. Moreover, the "chill" brought about by the FCC has caused a significant change in the work routine at *Broadway's Biggest Hits*. Time formerly devoted to cultivating new affiliates and ad sales now must go to the screening of new releases and reviewing music already in the library – a detriment to the show's bottom line that cannot easily be measured. Put simply, in producing the programming, rather than consider only what the listener might enjoy, I am currently forced to worry about the tolerance level of a few frightened affiliates, and the program suffers because of this. On the radio food chain, *Broadway's Biggest Hits* ranks at the low end. That a small, one-man operator, who is trying to promote Broadway music as an art form and Broadway itself as a tourist destination, should be sidetracked to such a degree suggests to me that the issue has gone too far.

18. Despite some occasionally saucy words, *Broadway's Biggest Hits* can legitimately be described as a family show. People of all ages do tune in. For a period of time, at least one college teacher that I'm aware of required that her students in the San Francisco area listen to the program for its educational value. Nowhere else could her students hear from the likes of composer/lyricists Stephen Schwartz ("Wicked," "Pippin," "Godspell"), Fred Ebb ("Cabaret," "Chicago") or Sheldon Harnick ("Fiddler on the Roof"), or stars such as Bernadette Peters, Shirley Jones, Nathan Lane and Antonio Banderas. Broadway music connects generations unlike any other style of music. Unfortunately, there are now some huge gaps in what is becoming a shrinking playlist, and therefore in the cultural connections the music engenders.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: Harwinton, Connecticut
September 19, 2006


Stanley A. ("Bud") Wilkinson

Broadway's Biggest Hits



About Bud Wilkinson...

Award-winning print and broadcast journalist Bud Wilkinson hosts the syndicated radio show *Broadway's Biggest Hits* and writes the "Eye on Broadway" and "RIDE-CT" newspaper columns.

Broadway's Biggest Hits airs on approximately 25 stations, including Phoenix's KOY, Seattle's KIXI, Denver's KEZW, Toronto's AM 740/CHWO and Milwaukee's WOKY.

In Connecticut, where the show is based, *Broadway's Biggest Hits* is heard on New Haven's WQUN.

The "Eye on Broadway" column premiered in February 2003 in *The Litchfield County Times* in Connecticut. It takes readers into the dressing rooms of the stars of the biggest Broadway hits and offers the latest Broadway news.

The "RIDE-CT" column premiered in July 2005 in *The Republican American* in Waterbury, CT. It celebrates motorcycling and promotes safe riding.

A Connecticut native, Wilkinson spent more than two decades in high profile media positions in Phoenix, Arizona. He launched *Broadway's Biggest Hits* as a local show on KOY radio in late December 1997. It became an instant ratings success, prompting syndication nine months later.

Prior to creating *Broadway's Biggest Hits*, Wilkinson spent eight years as Entertainment Editor at Fox-owned KSAZ-TV (Channel 10) and Entertainment Reporter for news/talk KTAR radio, preceded by 10 years as TV/Radio Columnist for *The Arizona Republic* newspaper.

A graduate of Vermont Academy in Saxtons River, Vermont and Ohio Wesleyan University in Delaware, Ohio, Wilkinson brings an award-winning background in journalism to *Broadway's Biggest Hits* and to the newspaper columns.

Wilkinson was honored with a Scripps Howard Foundation National Journalism Award in 1992 for a series of reports on adult literacy for Channel 10 and received a regional Emmy Award for commentary on Channel 10 that same year. He also won an Arizona Press Club Award for spot news reporting on a hostage situation at a Phoenix TV station in 1982.

During his career he has also written extensively for *Arizona Highways*, *Phoenix*, (Arizona) *Diamondbacks*, *Arizona Golf Journal* and *Passport* magazines as well as the entertainment/trade publications *Variety* and *Electronic Media*.

Wilkinson lives in Harwinton, CT and may be reached by phone at 860-485-0700 or by e-mail at either budw@broadwaysbiggesthits.com or budw@ride-ct.com.

Stanley A. ("Bud") Wilkinson Jr.

227 Whetstone Road
Harwinton, CT 06791

Phone: 860-485-0700 Mobile: 860-922-4201 Email: budw@broadwaysbiggesthits.com

S U M M A R Y

Experienced print and broadcast journalist with emphasis on entertainment and sports. Extensive reporting for major-market newspapers, TV and radio news organizations as well as magazines.

W O R K E X P E R I E N C E

Executive Producer/Host, *Broadway's Biggest Hits* (1997 - Present)

Produce and host nationally syndicated weekly radio show. Book and interview guests, maintain contact with PR firms and CD labels, and write content for two-hour program of music and news. Also write and supervise content of BroadwaysBiggestHits.com web site.

Freelance writer (1997 - Present)

- "Eye on Broadway" column for *The Litchfield County Times* since February 2003.
- "RiDE-CT" motorcycle column for *The Republican-American* (Waterbury, CT) since July 2005
- Contributor of self-generated and assigned stories for *Passport*, *Arizona Highways*, (Arizona) *Diamondbacks*, *Phoenix* and *Arizona Golf Journal* magazines.

Reporter/Entertainment Editor, *KSAZ-TV, Phoenix* (1989 - 1997)

General assignment reporter with emphasis on entertainment stories for Fox-owned Channel 10. Packages for 6-9 a.m. and 5, 6, 9 and 10 p.m. weekday newscasts with daily live shots. Covered Super Bowl XXX and Grammy Awards in Los Angeles.

Entertainment Editor, news/talk *KTAR Radio, Phoenix* (1989 - 1996)

Provided entertainment reports three times daily, including morning and afternoon drive times.

"Off-Ice" Reporter, *Cox Sports/ASPN* (1990 - 1996)

Provided injury and strategy updates during stoppages in play, plus live intermission and post-game interviews with players and coaches during Phoenix Roadrunners' International Hockey League telecasts on regional cable network.

TV-Radio Columnist, *The Arizona Republic, Phoenix* (1979 - 1989)

Reported and wrote daily media column for state's largest newspaper, covering both local TV and radio as well as national programming, issues and trends.

Reporter/TV-Radio Writer, *The Columbus (Ohio) Dispatch* (1976 - 1979)

General assignment "state" reporter for one year covering multi-county area between Columbus and Cleveland before being promoted to TV-Radio column.

Reporter/Sports Writer, *The Delaware (Ohio) Gazette* (1975 - 1976)

A W A R D S

Scripps Howard Foundation National Journalism Award (1992) for year-long series on adult literacy on Channel 10 in Phoenix.

Rocky Mountain Emmy Award (1991-92) for general commentary on Channel 10.

E D U C A T I O N

Ohio Wesleyan University, Delaware, OH - B.A. in journalism

Vermont Academy, Saxtons River, VT

B

Bud Wilkinson

From: "Bob Barnum" <bobb@mail.wfasfm.com>
To: <budw@broadwaysbiggesthits.com>
Sent: Tuesday, July 27, 2004 1:42 PM
Subject: This coming weekend's show

Hello Bud,

I do not wish to be perceived as a prude. I have seen "A Chorus Line," and loved it from beginning to end. However, parts of it are not appropriate for on air broadcast. The number "Dance 10, Looks 3" while great for Broadway, is unacceptable on our radio station (especially in the current FCC climate) and will be edited out for the WFAS-AM broadcast. Please try not to include such songs in future shows.

Bob Barnum
Program Director, WFAS-AM

365 Secor Road
Hartsdale, NY 10530
914-693-2400 ext. 3002

Sent via the WebMail system at mail.wfasfm.com

Sent via the WebMail system at mail.wfasfm.com

9/15/2004

Bud Wilkinson

From: "Gene Murrell" <murrellhb@yahoo.com>
To: "Bud Wilkinson" <budw@broadwaysbiggesthits.com>
Sent: Thursday, July 29, 2004 1:11 PM
Subject: Re: Broadway's Biggest Hits - Alternate segment for this weekend if necessary

So I guess that means Abie Baby from Hair won't be in the playlist anytime soon...

or how about La Vie Boheim from RENT?

The FCC is killing us!

How bout the you can be as loud as you want from ave Q?

Thanks for the heads up,.

--- Bud Wilkinson <budw@broadwaysbiggesthits.com> wrote:

> TO: Affiliates

>

> FROM: Bud Wilkinson

>

> Just want to alert you to a song in segment two of
> Hour Two of this weekend's show that may "push the
> envelope" and be inappropriate to some of you given
> the current climate at the FCC, and make you aware
> that an alternate segment is available.

>

> The song in question is Dance: Ten, Looks: Three
> from A Chorus Line, the musical about what it's like
> to be a dancer on Broadway. The song humorously
> tells of how plastic surgery and improving one's
> "tits and ass" can improve one's chances for a job.
> This song has been played many times in the past
> without a problem or complaint. It's a funny song,
> complete with context, and most listeners are
> adults.

>

> However, if you feel it's now inappropriate given
> the curent "chill," be please be aware that an
> alternate version of the segment without that song
> is now available at <ftp://> . It's in the
> July 31-Aug. 1 folder and is clearly labeled.

>

> Needless to say, that song and a few other favorites
> will be shelved until the climate changes in
> Washington.

>
> Thanks,
>
> Bud
>
> -----
> Bud Wilkinson
> Broadway's Biggest Hits
> 227 Whetstone Road
> Harwinton, CT 06791
>
> Phone: 860-485-0700
> Cell: 860-922-4201
> www.broadwaysbiggesthits.com

Gene Murrell
Program Director
WLOW-FM
1 St Augustine Pl
Hilton Head Island, SC 29928
(843) 785 9569

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D

Bud Wilkinson

From: "Reid, Clark" <clarkreid@clearchannel.com>
To: "Bud Wilkinson" <budw@broadwaysbiggesthits.com>
Sent: Thursday, July 29, 2004 11:04 AM
Subject: RE: Broadway's Biggest Hits - Alternate segment for this weekend if necessary

Thanks, Bud.

They're pretty touchy about that kind of stuff around here right now. (Although personally, I heartily support T&A at every opportunity...it's just the spousal support for past T&A I resent!)

CR

-----Original Message-----

From: Bud Wilkinson [mailto:budw@broadwaysbiggesthits.com]
Sent: Thursday, July 29, 2004 7:49 AM
To: Undisclosed-Recipient;;
Subject: Broadway's Biggest Hits - Alternate segment for this weekend if necessary

TO: Affiliates

FROM: Bud Wilkinson

Just want to alert you to a song in segment two of Hour Two of this weekend's show that may "push the envelope" and be inappropriate to some of you given the current climate at the FCC, and make you aware that an alternate segment is available.

The song in question is Dance: Ten, Looks: Three from A Chorus Line, the musical about what it's like to be a dancer on Broadway. The song humorously tells of how plastic surgery and improving one's "tits and ass" can improve one's chances for a job. This song has been played many times in the past without a problem or complaint. It's a funny song, complete with context, and most listeners are adults.

However, if you feel it's now inappropriate given the current "chill," be please be aware that an alternate version of the segment without that song is now available at [ftp://](#) It's in the July 31-Aug. 1 folder and is clearly labeled.

Needless to say, that song and a few other favorites will be shelved until the climate changes in Washington.

Thanks,

Bud

Bud Wilkinson
 Broadway's Biggest Hits
 227 Whetstone Road
 Harwinton, CT 06791

Phone: 860-485-0700
 Cell: 860-922-4201
www.broadwaysbiggesthits.com

9/15/2004

Bud Wilkinson

From: "Reid, Clark" <clarkreid@clearchannel.com>
To: "Bud Wilkinson" <budw@broadwaysbiggesthits.com>
Sent: Wednesday, August 04, 2004 9:26 AM
Subject: RE: Broadway's Biggest Hits - "T&A" follow

Frankly Bud, isn't this the craziest of times?? It's like the FCC is handing out scarlet "As" with a big fine attached.

Thanks for the try on the ink!

C.

-----Original Message-----

From: Bud Wilkinson [mailto:budw@broadwaysbiggesthits.com]
Sent: Tuesday, August 03, 2004 5:04 AM
To: Reid, Clark
Subject: Broadway's Biggest Hits - "T&A" follow

Clark,

Damn, I tried to get your call letters in the NY Daily News. Here's what was in this morning's newspaper (see below)...

Kind of interesting how stations treated "Dance: Ten, Looks: Three." As best as I can determine, only WFAS and KABL had a problem with it. Clear Channel's KOY, KBLU and WOKY. The p.d. at KBLU in Yuma said yesterday that her listeners would lynch her if she cut such a well-known and clever song.

Seriously, I didn't have any problem whatsoever providing an alternate segment, and have dropped some songs from the playlist until the climate at the F.C.C. swings back the other way. Too bad the Chronicle does such a great job of ignoring radio. Maybe we could have gotten KABL a mention there are well, but I didn't even float it.

The NY Daily News column follows.

Bud

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

In the Matter of)
)
Complaints Regarding Various Television)
Broadcasts Between February 2, 2002 and)
March 8, 2005; Court Remand of Section)
III.B of the Commission's March 15, 2006)
Omnibus Order Resolving Numerous)
Broadcast Television Indecency)
Complaints)

I, DENNIS FISHER, do hereby declare as follows:

1. I am employed as the News Director of WNEP-TV16 in Moosic, Pennsylvania, and I make this declaration on WNEP-TV16's behalf in response to the recent Public Notice in the above-captioned matter. *FCC Announces Filing Procedures in Connection with Court Remand of Section III B of the Commission's March 15, 2006 Omnibus Order Resolving Numerous Broadcast Television Indecency Complaints*, DA 06-1739 (rel. Sept. 7, 2006) ("*Public Notice*"). Except to the extent expressly indicated to the contrary, this Declaration is made upon my own personal knowledge and/or records maintained by WNEP-TV16 in the ordinary course of its business and I would be competent to testify to the facts set forth herein.

2. WNEP-TV16 is a television station that broadcasts news, locally originated programming and programs distributed by the ABC network to communities located in Northeastern and Central Pennsylvania. Every weekday, WNEP-TV16 broadcasts 5.5 hours of regularly scheduled live news programs produced by WNEP-

TV16, such as the acclaimed *Newswatch 16*, at various times during each weekday, and 4 hours of such programming during each Saturday and Sunday.

3. On March 21, 2004, during one of its regularly scheduled morning news programs, WNEP-TV16 broadcast live news coverage of the demolition of Philadelphia Veterans Stadium, the former home of the Philadelphia Phillies professional baseball team and Philadelphia Eagles professional football team. As the landmark stadium imploded and collapsed to the ground, one of the thousands of spectators who had gathered to observe the implosion yelled out the “F Word” loud enough to be captured in the live telecast.

4. WNEP-TV16, of course, has no way to control what may be said by participants in, or persons observing, live newsworthy events. Nevertheless, under the recently expanded enforcement activity of the FCC and the vaguely worded prohibition against the broadcast of “indecent or profane language,” coupled with the dramatically increased fines established by the Broadcast Decency Enforcement Act (“BDEA”), providing live coverage of newsworthy events of interest and importance to the public places WNEP-TV16 under significant risk.

5. To lessen the risk posed by the new legal framework relating to the broadcast of indecent or profane speech, WNEP-TV16 has been forced to change the way in which it covers live events where crowds are present. Among other things, I have directed WNEP-TV16’s news staff that WNEP-TV16 may no longer provide live, direct-to-air coverage of these events unless they affect matters of public safety or convenience.

Thus, news coverage by WNEP-TV16 of live events where crowds are present essentially will be limited to civil emergencies.

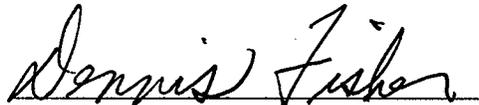
6. In lieu of live coverage, the heightened legal risks have forced WNEP-TV16 from time to time to transmit videotaped feeds back to the station for review before airing.

7. Before WNEP-TV16 broadcasts videotaped feeds or other news content, WNEP-TV16 personnel review the feeds and other content in an effort to keep from broadcasting language that may be deemed “indecent” or “profane” and thereby expose WNEP-TV16 to substantial legal and financial risks. However, given the vagueness of the terms “indecent” and “profane,” it often is difficult to predict whether any given statement may run afoul of the law.

8. Because the severity of the risk to which broadcasters now are exposed, the news department of WNEP-TV16 has been forced to adopt a policy of not broadcasting speech that could be viewed as even close to the line of what may be prohibited. The natural consequence of the FCC’s expanded regulation in this area and the passage of the BDEA is that WNEP-TV16, like other broadcasters, will engage in self-censorship and as a result will deprive people in the communities that we serve from receiving certain news and other constitutionally protected information.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: Moosic, Pennsylvania
September 19, 2006


Dennis Fisher

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

In the Matter of)
)
Complaints Regarding Various Television)
Broadcasts Between February 2, 2002 and)
March 8, 2005; Court Remand of Section)
III.B of the Commission's March 15, 2006)
Omnibus Order Resolving Numerous)
Broadcast Television Indecency)
Complaints)

I, Robert J. Sikorski, do hereby declare as follows:

1. I am employed as the President of the Niagara Frontier Radio Reading Service, Inc. ("NFRRS") and I make this Declaration on NFRRS' behalf in response to the recent Public Notice in the above-captioned matter, *FCC Announces Filing Procedures in Connection with Court Remand of Section III.B of the Commission's March 15, 2006 Omnibus Order Resolving Numerous Broadcast Television Indecency Complaints*, DA 06-1739 (rel. Sept. 7, 2006) ("Public Notice"). Except to the extent expressly indicated to the contrary, this Declaration is made upon my own personal knowledge and/or records maintained by NFRRS in the ordinary course of its business and I would be competent to testify to the facts set forth herein at a hearing or trial in this matter.

2. The NFRRS, founded in 1986 is a private 501(c)3 not-for-profit agency with broadcast studios and offices at 1199 Harlem Road, Cheektowaga, New York 14227, which administers an award-winning radio reading service for the blind and print-handicapped residents of the City of Buffalo and Western New York State. Its mailing address is: The Niagara Frontier Radio Reading Service, P.O. Box 575, Buffalo, New York 14225. Its mission has been to "Give the Blind a Chance to Read." As do other radio reading services elsewhere throughout the

United States, the NFRRS has radio reading volunteers broadcast daily readings of newspapers, books, magazines, vital community information and other printed matter to blind and print-handicapped persons, who are provided "reading radios," i.e., specially-tuned radio reading receivers. The NFRRS has been regarded as one of the finest radio reading services in the nation, broadcasting readings to those without sight 24 hours a day, every day of the year, to date, the NFRRS has broadcast most than 150,000 hours of radio readings to thousands of very appreciative visually-impaired area listeners. NFRRS' 300 radio reading volunteers broadcast readings of several daily newspapers, more than 50 community newspapers, more than 80 magazines and best-selling books; nearly 3,000 books, listed as "best-sellers" by the New York Times, have been presented by NFRRS radio readers. The agency has won many awards, including the New York State Governor's Eleanor Roosevelt Outstanding Community Service Award, the J.C. Penney Golden Rule Award, the Rudy Spitzer Outstanding Community Achievement Award, many governmental citations for exemplary service and thousands of individual accolades for caring community commitment. The NFRRS has been a finalist for broadcasting's coveted Peabody Award. As in the case of other radio reading services, the NFRRS' primary means of transmission is through the leased subcarrier of a local FM signal, 102.5 FM at 67mhz, which can be heard on fixed-position SCA receivers distributed to print-handicapped persons by the agency. In addition, for the past 14 years, the NFRRS has also been carried on the Secondary Audio (SAP) Channel of local ABC-TV affiliate WKBW-TV/Channel 7, Buffalo, which has donated its SAP Channel, enabling people with stereo TV's to hear NFRRS readings. The SAP Channel carriage has been invaluable to the agency, not only promoting its existence but serving print-handicapped listeners who cannot be reached by the

NFRRS FM-SCA signal. A number of special SAP-audio receivers have been distributed to visually-impaired persons by the NFRRS.

3. The blind and print-handicapped persons served by the NFRRS have been and will continue to be directly and negatively affected by the FCC's heightened enforcement of prohibitions on "indecent" and "profane" in broadcasting and the Broadcast Decency Enforcement Act's ("BDEA's") heightened penalties for violations of Section 1464.

4. Since the NFRRS first went on-the-air on March 19, 1987, the Niagara Frontier Radio Reading Service for the Blind has had a policy of restricting the readings of best-selling books with adult situations to late-evening hours, i.e., no earlier than 10pm. Disclaimer announcements before such readings note that such readings may contain adult material and/or situations, and that listener discretion is advised. The Federal Communications Commission has long recognized the worth and unique nature of radio reading services for the blind, even encouraging the at-cost provision of public broadcasting channel space to such services.

5. However, on February 11, 2005, a representative of WKBW-TV called the NFRRS to inform the agency that WKBW-TV had, without any advance notice to the NFRRS or its listeners, removed the NFRRS from the WKBW SAP Channel. The station had received only a single complaint from one caller about the "adult nature" of a NFRRS program aired the previous evening. Apparently, the program in question was an installment of the current best-selling novel "I Am Charlotte Simmons" by acclaimed author Tom Wolfe. Without giving the NFRRS any opportunity to respond, the station took the drastic action after 14 years of carrying NFRRS reading of books, magazines and newspapers. The station representative said that the station could not subject itself to potential heavy fines by the Federal Communications Commission, and that, shockingly, the NFRRS was "done" on WKBW-TV's SAP Channel.

6. The effect of WKBW-TV's removal of the NFRRS from its SAP Channel was staggering to the agency and to the print-handicapped listeners who depended upon the NFRRS. Suddenly, without warning, the NFRRS SAP receivers used by many visually-impaired listeners were worthless. In the two weeks that followed, there was a run on radio reading receivers, as blind people with SAP receivers rushed to exchange their radios for FM-SCA receivers. For the first time in more than a decade, the NFRRS' supply of usable receivers was exhausted. Those print-handicapped persons wishing to gain access to printed matter through the NFRRS were unable to obtain a working receiver. Additional receivers will cost the NFRRS more than \$90 each and are not available immediately. A particularly cruel note was that the NFRRS became aware that a number of blind people with suddenly non-working radios thought, mistakingly, that they had somehow broken their radios, and they were hesitant about letting the agency know about their problem. Meanwhile, thousands of people who listened to the NFRRS on their stereo TV were cut off. Sources indicate that WKBW-TV received hundreds of complaint calls about the sudden removal of the NFRRS from WKBW-TV's SAP Channel. The unfortunate action by a broadcast licensee in anticipated fear of possible extreme FCC punishment fines also generated an article in "The Buffalo News," a national Associated Press story carried by many newspapers nationwide, and an Albany, New York newspaper editorial cartoon lampooning the FCC as a giant with a whip posed to strike broadcasters.

7. Two weeks later, WKBW-TV resumed broadcasting the Niagara Frontier Radio Reading Service on the station's SAP Channel—but only during the hours of 6am-10pm each day, to avoid any possibility of the presentation of adult matter during the reading of best-selling books. As a result of a broadcast licensee's fear of FCC punishment, 1/3 of NFRRS readings—nearly 3,000 hours of readings per year—will be lost to SAP Channel listeners. They include many hours of general interest readings, offensive to virtually no one. For example, one of the best-selling books scheduled for 10pm airing—thereby unavailable to NFRRS SAP listeners—is the autobiography of Buffalo Bills Hall of Fame football coach Marv Levy—a book of great general interest to area

residents. With 24 hour-a-day readings, it took the NFRRS 17 years to reach 150,000 hours of radio readings to the blind. With the SAP restriction reducing SAP-accessed radio readings by 1/3, it would take 25 years – 8 years longer – to reach that milestone.

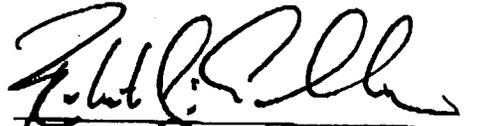
8. The arbitrary, unfair and inconsistent enforcement actions of the FCC undoubtedly have an unfortunate and perhaps unanticipated chilling effect on those seeking to provide radio readings to the blind, be they broadcast licensees or others. The FCC's willingness to threaten the fining of non-licensees already has concerned a number of volunteer radio readers at the NFRRS. Radio readers to the blind should be praised for their dedication in service to those without sight; they are literally sharing their sight with those who are unable to read the printed matter that most of us take for granted. Instead, the threats imposed by the FCC and BDEA have already frightened radio reading volunteers who give their time, talents and efforts to give the blind a chance to read. They should not face substantial fines for providing radio readings. The FCC has recognized the worth of radio reading services to the blind; it should not threaten to punish those who make radio reading to the blind possible.

9. As a result of the FCC and BDEA intimidation, the Niagara Frontier Radio Reading Service has incurred substantial losses. Its costs include the unanticipated provision of a substantial number of replacement radio reading receivers at about \$90 each, as well as the loss of 33% of its broadcast hours on SAP. For the record, WKBW-TV recognized our agency's cost of providing replacement receivers, as it provided a contribution of \$100 when it returned the NFRRS to its SAP Channel from 6am until 10pm. The clear unconstitutionality of FCC's stance and the BDEA applicable provisions have and will result in many unfortunate and inappropriate results more than negating any potential positive impact on licensees alike. For the sake of print-handicapped people who depend each day on their radio reading services, and for the sake

of well-meaning radio reading volunteers making genuine profound contributions to our society, the overbearing nature of the FCC and BDEA approach must not be allowed to continue.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed: 1199 Harlem Road, Cheektowaga, New York 14227
September 20, 2006



Robert J. Sikorski