

DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

JEFFREY J. GEE
DIRECT DIAL 202-776-2357
jgee@dowlohn.com

WASHINGTON, D.C.
1200 NEW HAMPSHIRE AVENUE, N.W. · SUITE 800 · WASHINGTON, D.C. 20036-6802
TELEPHONE 202-776-2000 · FACSIMILE 202-776-2222
www.dowlohn.com

ONE RAVINIA DRIVE · SUITE 1600
ATLANTA, GEORGIA 30346-2108
TELEPHONE 770-901-8800
FACSIMILE 770-901-8874

December 3, 2004

Via Hand Delivery

Mr. William H. Davenport
Chief, Investigations and Hearings Division, Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, S.W., Room 4-C330
Washington, DC 20554

Re: WFFF-TV, Burlington, VT (Facility ID No. 10132)
Response to Notice of Apparent Liability for Forfeiture
NAL Account No. 200432080383

Dear Mr. Davenport:

Pursuant the terms of the Notice of Apparent Liability for Forfeiture (the "NAL") released October 12, 2004, concerning the broadcast of the Fox Television Network ("Fox") Program "Married By America" on April 7, 2003, and on behalf of Smith Media License Holdings, LLC ("Smith Media"), the permittee of WFFF-TV, Burlington, Vermont (the "Station"), we hereby respond to the NAL.¹

Smith Media is a party to the Opposition to the NAL filed concurrently herewith by Fox Broadcasting Company ("FBC"), which operates Fox, and certain of the affiliates of Fox (the "Opposition"). Smith Media is filing this separate response to note that Smith Media was not the permittee of the Station when the program in question was broadcast, nor was Smith Media the permittee of the Station when the NAL was released. Smith Media became the permittee of the Station only upon the consummation of the assignment of the Station from the prior permittee, Smith Broadcasting of Vermont, LLC, on November 17, 2004. Although the prior permittee continues to hold an equity interest in Smith Media, the Station is now under new management and control pursuant to a "long form" assignment application granted by the Commission on November 8, 2004 (see FCC File No. BAPCT-20040826ADV).

Thus, in addition to reasons set forth in the Opposition, Smith Media submits that the Commission should rescind the NAL with respect to the Station because Smith Media's management and controlling principals were not in control of the Station at the time of the broadcast in question. As such, the imposition of a forfeiture on the new

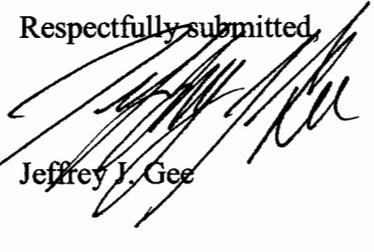
¹ The instant response is timely filed pursuant to an extension of time granted by Commission to Smith Broadcasting of Vermont, LLC, the prior permittee of the Station, on November 10, 2004.

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permittee of the Station is unwarranted and contrary to Commission precedent and policy.

We will be pleased to respond to any further requests for information the Commission may have concerning this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey J. Gee', is written over the typed name. The signature is stylized and somewhat cursive.

Jeffrey J. Gee

cc (via E-mail): Mr. Gary Schonman, Enforcement Bureau