

SUMMARY

This petition to deny asks the Commission to conduct Bilingual investigations and designate for hearing the renewal applications of 11 radio stations (or AM-FM combinations) in Alabama and Georgia.

BACKGROUND

The filing of this petition is the result of a study by Petitioners of the 1982-1989 EEO performance and 1989 renewal applications of all radio stations in Alabama and Georgia. That study identified the stations subject to this petition as having had no more than token employment of Blacks and other minorities during the license term. These stations do not appear to be operating under meaningful EEO programs, nor have the stations proposed meaningful EEO programs for the coming 1989-1996 renewal term.

It is well established that the Commission cannot grant a license renewal application without further investigation if it lacks sufficient facts to determine that renewal would serve the public interest. In the leading case setting out the requirements for Commission review of serious allegations of violations by licensees of its EEO Rule, 47 CFR §73.2080, Bilingual-Bicultural Coalition on the Mass Media v. FCC, 595 F.2d 621, 629-630 (D.C. Cir. 1978), the court explained:

[e]vidence of substantial statistical disparity - evidence that a licensee's minority employment is outside the "zone of reasonableness" - while it may not in itself necessarily require resolution at a hearing, should at least put the FCC on notice that more information is required before the license renewal application can be granted. This is because a substantial statistical disparity, especially when coupled with a languishing affirmative action plan, raises questions as to whether the station's poor EEO performance owes to inadvertence, or to intentional discrimination. (fns. omitted; emphasis in original.)

Such an inquiry should be conducted even if the statistical record reveals operation falling barely above the rule of thumb working definition of the "zone of reasonableness," since this "zone" is expected to contract over time. 2/

2/ Los Angeles Women's Coalition for Better Broadcasting v. FCC, 584 F.2d 1089 (D.C. Cir. 1978). Thus, what was reasonable in the 1980-1982 renewal period cannot be deemed reasonable now, since each licensee is expected to resolutely and deliberately improve the representation of minorities on its staff with the ultimate goal of attaining parity with the representation of minorities in the workforce of the surrounding community. The Commission has determined that the 50% of parity guideline is not a "safe harbor" but instead is only an administrative tool. Florida Renewals, 3 FCC Rcd 1930 (1988); Broadcast EEO, 2 FCC Rcd 3967, 3974 (1987).

Petitioners to deny are to be fully involved in this inquiry. The procedure to be followed, as directed by the Bilingual court, supra at 634, is that

[t]he full report of the Commission's investigation, including all evidence it receives, must be placed in the public record, and a reasonable time allowed for response and rebuttal by petitioners.

The following discussion will focus on the factual record contained in the annual employment reports, and the EEO programs as proposed for the 1989-1996 renewal term. 3/

WVNN-AM and WZYP-FM, Athens, AL

WVNN/WZYP have been owned and operated by Athens Broadcasting Company since 1975. The stations' record of fulltime minority employment since 1982 is reflected in the following table. 4/

3/ All employment statistics contained in this petition are derived from the FCC Form 395s submitted by the licensees to the Commission and covering a reporting week in March of the relevant year. The percentages of minority representation in the respective markets (counties, or MSAs if located in an MSA) are as follows: Athens, AL: 12.5%; Birmingham, AL: 26.1%; Decatur, AL: 8.7%; Huntsville, AL: 12.5%; Montgomery, AL: 30.6%; Selma, AL: 47.5%; Tuscumbia, AL: 12.0%; Athens, GA: 17.7%; Augusta, GA: 32.7%; Tifton, GA: 22.5%; and Valdosta, GA: 28.0%.

As used herein, "top four job categories" refers to officials and managers, professionals, technicians and salespersons as reported on FCC Form 395. "Parity" refers to the level of minority employment which, as a percentage of the station's top four category or total fulltime employment, would equal the percentage of minorities in the MSA workforce.

4/ Throughout this Petition, Petitioners have included, where available, data for the year preceding the year on which a given licensee has assumed control. At times this will shed light on whether the current licensee has continued the egregious record of its predecessor, has vitiated progress made by its predecessor, or has improved upon its predecessor's record.

Table 1. Minority Employment at WVNN/WZYP, 1982-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	0/29	0/31	0%	0%
1987	1/25	1/28	32%	29%
1986	1/26	2/28	31%	57%
1985	0/23	1/25	0%	32%
1984	0/17	1/20	0%	40%
1983	0/18	0/20	0%	0%
1982	No data available			

When this station sought license renewal seven years ago, its EEO program proposed 16 recruitment sources. Its EEO program submitted with the current renewal application acknowledges that only four of these sources were used during the preceding 12 month period. Two of these are daily newspapers and thus are hardly affirmative action sources. No reason was given for this severe cutback in affirmative action efforts.

Indeed, even a cursory examination of the statistical record of minority employment by this station reveals that far more effort, not less, was required. This licensee reported no minority employees out of 17 fulltime persons; even the three parttime employees were all white. No minorities were hired from 11/87 - 10/88.

The licensee's analysis of its EEO program states that it will contact six additional sources of minority applicants. Whether this 11th hour conversion is genuine can only be determined through further investigation.

Accordingly, the Commission should undertake a Bilingual investigation to determine whether the station's essentially neutral EEO program, coupled with the station's failure to employ more than a token number of minorities throughout the license term, are indicative of a deliberate violation of the EEO rule.

WAPI-AM-FM, Birmingham, AL

WAPI-AM-FM have been owned and operated by WAPI, Inc. since January, 1983. The stations' record of fulltime minority employment since 1982 is reflected in the following table.

Table 2. Minority Employment at WAPI-AM-FM, 1982-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	3/38	6/45	30%	51%
1987	2/37	4/44	21%	35%
1986	4/33	5/38	46%	50%
1985	3/28	5/35	41%	55%
1984	4/31	7/39	49%	69%
1983	4/28	6/33	55%	70%
1982	3/32	6/38	36%	60%

When WAPI, Inc. became the licensee of WAPI-AM-FM in 1983, it explicitly adopted the EEO program proposed by its predecessor, Newhouse Broadcasting Corporation. That program manifested a promise to contact eight community organizations, including the Jefferson County Economic Opportunity Committee, the SCLC, the Mayor's Affirmative Action Office, the NAACP, the Alabama Christian Movement for Human Rights and the Birmingham Urban League. Four colleges were also to be contacted, as was a Black newspaper.

The EEO program submitted with the currently pending renewal application manifests that no community organizations were contacted in the preceding twelve months. No minority media were contacted. Five colleges were contacted, four of which referred women but none of which referred minorities.

It is difficult to determine whether the statistics supplied on FCC Form 395 are accurate. Exhibit 4 to the EEO program submitted with the current renewal application acknowledges that a approximately 50 parttime research workers were not counted as employees even though they worked for and drew checks from the station. These positions would have presented an excellent opportunity to reach out to and involve minorities in broadcast employment. However, we are not told whether any minorities were recruited or hired for these positions.

This licensee's self analysis contains nothing to indicate that it is even aware that its EEO program has failed to produce meaningful results during the license term. Accordingly, a Bilingual investigation and, if need be, a hearing are required to determine whether the licensee discriminates against minorities or otherwise violates the EEO rule.

WHOS-AM and WDRM-FM, Decatur, AL

WHOS/WDRM have been owned and operated by Dixie Broadcasting, Inc. for over a decade (exact date of acquisition not available.) The stations' record of fulltime minority employment since 1983 is reflected in the following table.

Table 3. Minority Employment at WHOS/WDRM, 1983-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	0/18	0/20	0%	0%
1987	0/17	0/21	0%	0%
1986	0/14	0/16	0%	0%
1985	0/13	0/15	0%	0%
1984	0/13	0/14	0%	0%
1983	No data available			

WHOS/WDRM's 1982 renewal application proposed the use of at least three sources likely to result in referrals of minority applicants: Calhoun Community College, Alabama A&M University, and the NAACP. However, the EEO program associated with the currently pending renewal application acknowledges that no community organizations were contacted during the preceding twelve month period. The only universities relied upon for recruitment were the National Career College and the University of Alabama, neither of which referred minority students during the preceding twelve month period.

Furthermore, the stations reported hiring no minorities in the period between 11/17 and 11/88.

The licensee's explanation for having no minority employees during the license term is that, in statistical terms "the relevant [50% of parity] employment targets for Black employment are each less than one." This does not, however, excuse a failure to employ any minorities, year after year, during the entire license term. Nor does it excuse the station's failure to implement the EEO program it promised the Commission it would implement seven years ago.

This licensee's self analysis contains nothing to indicate that it is even aware that its EEO program has failed to produce meaningful results during the license term. Accordingly, a Bilingual investigation and, if need be, a hearing are required to determine whether the licensee discriminates against minorities or otherwise violates the EEO rule.

WBHP-AM, Huntsville, AL

WBHP has been owned and operated by Radio WBHP Inc. since 1937. The station's record of fulltime minority employment since 1982 is reflected in the following table.

Table 4. Minority Employment at WBHP-AM, 1982-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	0/20	1/22	0%	36%
1987	0/18	0/20	0%	40%
1986	0/14	1/16	0%	50%
1985	0/12	0/14	0%	57%
1984	0/15	1/17	0%	47%
1983	0/14	1/16	0%	50%
1982	0/15	1/17	0%	47%

WBHP's 1982 EEO Program contained little of substance, as does the program associated with the pending renewal application. No minority organizations are listed in either program as recruitment sources, and no minorities were listed as having been hired from 11/17 through 12/88.

No explanation appears in the current renewal application for the near absence of minority employees in meaningful positions throughout the license term. Therefore, to determine the reason for the licensee's consistent failure to employ minorities, a Bilingual investigation and, if need be, a hearing are required.

WLWI-AM-FM, Montgomery, AL

WLWI-AM-FM has been owned and operated by Colonial Broadcasting Co., Inc. since February, 1985 and WLWI-FM has been owned and operated by Colonial since November, 1977. The station (or, as applicable, stations') record of fulltime minority employment since 1982 is reflected in the following table.

Table 5. Minority Employment at WLWI-AM-FM, 1986-1988 and WLWI-FM, 1982-1985

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	2/25	3/26	26%	38%
1987	2/23	3/25	28%	39%
1986	1/14	2/17	23%	38%
1985	0/10	0/13	0%	0%
1984	2/18	2/21	36%	31%
1983	3/18	4/21	54%	62%
1982	2/17	3/20	38%	49%

At the outset, this licensee should clear up a plain discrepancy in the self analysis appended to the EEO program accompanying its current renewal application. That document (entitled "Other Information") states that "[d]uring the past two years, our WLWI AM/FM staff has been reduced by ten employees." However, between 1986 and 1988, the number of fulltime employees on Form 395 increased by nine employees from 17 to 26. (In 1985, there were only 13 fulltime employees). Since the intent of the self analysis appeared to be to provide an excuse for the low rate of minority employment, some explanation is plainly required for this apparent misstatement.

The sources used for recruitment in 1988 included only the NAACP and Alabama State University, which together generated only one referral. There were four other sources used, none of which was a minority organization. In the 1982 renewal EEO program, there were 13 sources proposed. The current renewal application contains no explanation of why the majority of these sources were not used in 1988. If anything, this licensee's statistical record should have dictated the more intensive use of more sources, not sporadic use of only a few sources.

Accordingly, to determine how frequently the licensee used the sources it did use, and what other EEO efforts it might have made, a Bilingual investigation and, if need be, a hearing are required.

WHBB-AM and WTUN-FM, Selma, AL

WHBB/WTUN have been owned and operated by Holder Communications Corp. since February, 1987. 5/ The station's record of fulltime minority employment since 1987 is reflected in the following table.

Table 6. Minority Employment at WHBB/WTUN, 1987-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	2/20	2/21	21%	20%
1987	2/20	2/20	21%	21%

WHBB/WTUN's currently pending renewal application contains a rather surprising statement: the Selma Times Journal, a nonminority daily newspaper, generated 46 applications from minorities and 76 applications from women. 6/ If this is true, that newspaper is generating more referrals of minorities for broadcast employment than The New York Times typically generates for New York City radio stations. In NAACP's and NBMC's experience of 18 years of reviewing license renewal applications, this claim would represent a national record if it were true. Since petitioners have no way of knowing whether the licensee made these numbers up, the Commission should direct the licensee to document its rather astounding claims.

These figures appear intended to mitigate the licensee's failure to use a single minority organization, minority educational institution or minority media outlet for recruitment purposes. Thus, unless this "46 minorities" claim is genuine, the licensee has no EEO performance whatsoever to show for its stewardship of the stations.

Apart from this, no explanation appears in the current renewal application for the near absence of minority employees in meaningful positions throughout the license term. In a half Black community, this is hard to understand or excuse. Therefore, a Bilingual investigation and, if need be, a hearing are required.

5/ A full analysis of this applicant's performance was impossible because a copy of the EEO program associated with the 1986 application to assign the licenses to Holder could not be found in the Commission's files.

6/ By contrast, the Selma City Schools, which WHBB/WTUN, in the exhibit accompanying the EEO program, claim to have "adopted" for internship and other purposes, purportedly only generated two minority applicants and one female applicant!

WVNA-AM-FM, Tusculumbia, AL

WVNA-AM-FM have been owned and operated by Elton H. Darby since 1956 (AM) and 1962 (FM). The stations' record of fulltime minority employment since 1983 is reflected in the following table.

Table 7. Minority Employment at WVNA-AM-FM, 1982-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	0/14	1/17	0%	49%
1987	0/13	1/17	0%	49%
1986	0/15	0/17	0%	0%
1985	0/15	0/17	0%	0%
1984	1/19	1/20	44%	42%
1983	1/15	1/17	56%	49%
1982	1/13	1/15	64%	56%

WVNA's 1982 renewal application featured an EEO program whose high point was a minority training program which had trained four people in a year. That program is not reported or proposed in the current renewal application. Nor did the licensee report the use of a single minority organization, a single minority educational institution or a single minority media outlet for recruitment purposes. No minorities were among the 15 people hired from 10/17 to 10/88.

No explanation appears in the current renewal application for the near absence of minority employees in meaningful positions throughout the license term. Therefore, to determine the reason for the licensee's consistent failure to employ minorities, a Bilingual investigation and, if need be, a hearing is required.

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WAGQ-FM, Athens, GA

WAGQ-FM has been owned and operated by Diamond Broadcasting, Inc. since 1986. The station's record of fulltime minority employment since 1986 is reflected in the following table.

Table 8. Minority Employment at WAGQ-FM, 1985-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	0/10	0/11	0%	0%
1987	0/10	1/11	0%	51%
1986	0/11	0/12	0%	0%
1985	1/12	2/13	47%	87%

The 1989 renewal application contains little in the way of affirmative action initiatives. The current program specifies no minority media, no minority educational institutions and no minority (or even nonminority) community organizations as recruitment sources. Only two local newspapers, the University of Georgia and Athens High School were proposed as putative EEO sources.

On the other hand, the EEO program associated with the 1986 application to transfer control of the licensee to Diamond Broadcasting, Inc. proposed the use of a number of appealing recruitment sources, including Action, Inc. and four Black colleges: Savannah State, Clark, Lawson State, and Shaw. These sources were not used from 1987-1988. The licensee neither explains their elimination nor proposes their inclusion during the forthcoming license term. This was not reasonable given the type of EEO performance exhibited by this station.

Therefore, a Bilingual investigation should be conducted to determine whether the absence of minority employees results from inadvertence, from a deliberate violation of the EEO rule, or from discrimination.

WBBQ-AM-FM, Augusta, GA

WBBQ-AM-FM have been owned and operated by Savannah Valley Broadcasting Company since 1947 (AM) and 1955 (FM). The station's record of fulltime minority employment since 1982 is reflected in the following table.

Table 9. Minority Employment at WBBQ-AM-FM, 1982-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	0/24	2/28	0%	22%
1987	0/23	2/28	0%	22%
1986	1/24	2/29	13%	21%
1985	2/24	3/29	26%	32%
1984	2/25	4/30	24%	41%
1983	2/25	4/30	24%	41%
1982	3/24	4/28	38%	44%

WBBQ's EEO sources appear to have been relatively unproductive in referring minorities. The only Black organizations used were SCLC and the Paine College Alumni Association; the only Black college used was Paine College. These sources did not generate applicants, raising the question of whether contacts were made with these sources whenever jobs were vacant.

The EEO program associated with the 1982 renewal application, listed 36 community organizations which were contacted for job referrals. The licensee's statistical record makes it evident why this sort of outreach was necessary. The steady decline in minority employment at the station during the license term tells the story of why it was not reasonable to discontinue these systematic contacts.

Therefore, a Bilingual investigation should be conducted to determine whether the disappearance of minority employees during the license term resulted from inadvertence, from a deliberate violation of the EEO rule, or from discrimination.

WWGS-AM and WSGY-FM, Tifton, GA

WWGS/WSGY have been owned and operated by WWGS/WSGY Partnership since March, 1981. The station's record of fulltime minority employment since 1982 is reflected in the following table.

Table 10. Minority Employment at WWGS/WSGY, 1982-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	No data available			
1987	1/13	2/16	34%	56%
1986	0/15	0/16	0%	0%
1985	1/15	1/17	30%	26%
1984	0/15	1/18	0%	25%
1983	0/11	0/13	0%	0%
1982	0/12	0/13	0%	0%

Petitioners note, at the outset, a strange coincidence in reviewing the number of minority and female applicants reported from recruitment sources: of the 13 statistics provided for referrals of minorities or women from particular sources, seven are multiples of five. This suggests that the numbers may have been contrived. Indeed, all of the numbers look suspicious. It would have been very unusual for eight minorities to respond to ads in Broadcasting for a Tifton, Georgia station.

Furthermore, if this many minorities were applying for jobs, it is hard to understand why only two of 27 persons hired were minorities. If the licensee's statistics are to be believed, its various sources generated 29 minority applicants, two of whom were hired.

Petitioners have no way to determine whether the licensee's representations are genuine. Therefore, given the station's statistical record, a Bilingual investigation is appropriate before the Commission might pass on the applications.

WQPQ-FM, Valdosta, GA

WQPQ-FM has been owned and operated by Metro Media Broadcasting, Inc. since February, 1981. The station's record of fulltime minority employment since 1983 is reflected in the following table.

Table 11. Minority Employment at WQPQ-FM, 1982-1988

<u>Month and Year</u>	<u># Mins./#Empls., Top 4 Categs.</u>	<u># Mins./#Empls., Total Fulltime</u>	<u>% of Parity, Top 4 Categs.</u>	<u>% of Parity, Total Fulltime</u>
1988	0/15	0/19	0%	0%
1987	0/15	0/17	0%	0%
1986	1/13	1/15	27%	24%
1985	1/12	1/14	30%	26%
1984	0/12	0/14	0%	0%
1983	1/7	1/10	51%	36%
1982	1/9	1/10	40%	36%

WQPQ's statistical record could not be more dismal: none of the 19 fulltime employees reported on the 1988 Form 395 were minorities. Not even any of the eight parttime employees were minorities.

The EEO program associated with the currently pending renewal applications makes reference to no minority schools, minority organizations, or minority media. One minority organization (Black Community Action Organization) was proposed in the 1982 renewal application; it was not mentioned in the current application.

Therefore, a Bilingual investigation should be conducted to determine whether the near total absence of minority employees during the license term resulted from inadvertence, from a deliberate violation of the EEO rule, or from discrimination.

CONCLUSION

For the foregoing reasons, the foregoing applications should be made the subject of Bilingual investigations and, if the evidence so warrants, should thereafter be denied. 7/

Respectfully submitted,

Charles Carter/dh

Charles Carter
Associate General Counsel
NAACP
4805 Mt. Hope Drive
Baltimore, Maryland 21215
(301) 358-8900

David Honig

David Honig
1800 N.W. 187th Street
Miami, Florida 33056
(305) 628-3600

Counsel for Petitioners

March 1, 1989

7/ Eight of the 13 declarations Petitioners had hoped to append hereto are appended hereto. Petitioners hope to transmit the remaining five shortly. So that the licensees will have notice of their contents, Petitioners note that the form of the additional declarations will be similar to the form of the declarations appended hereto. Petitioners note with some pride that this represents substantial progress, with very limited resources, toward full participation of the petitioning individuals at the time the petition is filed, as the Commission prefers.

STATEMENT OF PLURIA W. MARSHALL

Pluria W. Marshall states as follows:

I am the Chairman of the National Black Media Coalition.

I have reviewed, and I subscribe to the NBMC/NAACP Petition to Deny. The facts stated therein are true to my personal knowledge except where identified as having been based upon official records such as statistical data and material on file with the Federal Communications Commission.

I would be seriously aggrieved if the Petition to Deny is not granted, since those members of the National Black Media Coalition who reside in the communities in Alabama and Georgia whose stations are included in the petition would be deprived of job opportunities and program service in the public interest.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.



Pluria W. Marshall
Chairman
National Black Media Coalition
38 New York Avenue N.E.
Washington, D.C. 20002

Dated:

Feb. 27, 1989

DECLARATION

RE: Radio Station WQPO-FM, Valdosta, Georgia

I hereby subscribe to the NBHC/NAACP Petition to Deny. The facts stated therein are true to my personal knowledge except where identified as having been based upon official records such as statistical data and material on file with the Federal Communications Commission.

I am a regular listener to the station.

I would be seriously aggrieved if the Petition to Deny is not granted, since members of the NAACP, including myself, would be deprived of job opportunities and program service in the public interest.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.



Lewis Gordon
President
Lowndes-Valdosta Branch, NAACP
P.O. Box 1324
Valdosta, GA 31601

Dated: 2-24-89

DECLARATION

RE: Radio Station WBBQ-AM-FM, Augusta, Georgia

I hereby subscribe to the NBMC/NAACP Petition to Deny. The facts stated therein are true to my personal knowledge except where identified as having been based upon official records such as statistical data and material on file with the Federal Communications Commission.

I am a regular listener to the station.

I would be seriously aggrieved if the Petition to Deny is not granted, since members of the NAACP, including myself, would be deprived of job opportunities and program service in the public interest.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Dated: 2-25-89


Dennis Williams
President
Augusta Branch of the NAACP
1301 Laney-Walker Blvd.
Augusta, GA 30901

DECLARATION

RE: Radio Station WHBB-AM, Selma, Alabama

I hereby subscribe to the NBMC/NAACP Petition to Deny. The facts stated therein are true to my personal knowledge except where identified as having been based upon official records such as statistical data and material on file with the Federal Communications Commission.

I am a regular listener to the station.

I would be seriously aggrieved if the Petition to Deny is not granted, since members of the NAACP, including myself, would be deprived of job opportunities and program service in the public interest.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.



Marcus Darshanon
Marcus Darshanon
President
Selma-Dallas County Branch, NAACP
8 Edgewood Drive
Selma, AL 36701

Dated: 2-24-89

DECLARATION

RE: Radio Station WLWI-AM-FM, Montgomery, Alabama

I hereby subscribe to the NBMC/NAACP Petition to Deny. The facts stated therein are true to my personal knowledge except where identified as having been based upon official records such as statistical data and material on file with the Federal Communications Commission.

I am a regular listener to the station.

I would be seriously aggrieved if the Petition to Deny is not granted, since members of the NAACP, including myself, would be deprived of job opportunities and program service in the public interest.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Dated:

2/25/89



Lillian Jackson
President

Metro Montgomery Branch, NAACP
P.O. Box 1788
Montgomery, AL 36102

DECLARATION

RE: Radio Station WAPI-AM-FM, Birmingham, Alabama

I hereby subscribe to the NBMC/NAACP Petition to Deny. The facts stated therein are true to my personal knowledge except where identified as having been based upon official records such as statistical data and material on file with the Federal Communications Commission.

I am a regular listener to the station.

I would be seriously aggrieved if the Petition to Deny is not granted, since members of the NAACP, including myself, would be deprived of job opportunities and program service in the public interest.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Dated: 02-25-89

William J. Battle
William J. Battle
President
Birmingham Branch of the NAACP
209 So. 61st St.
- Birmingham, AL 35212

DECLARATION

RE: Radio Station WVEN/WZYP, Athens, Alabama

I hereby subscribe to the NBMC/NAACP Petition to Deny. The facts stated therein are true to my personal knowledge except where identified as having been based upon official records such as statistical data and material on file with the Federal Communications Commission.

I am a regular listener to the station.

I would be seriously aggrieved if the Petition to Deny is not granted, since members of the NAACP, including myself, would be deprived of job opportunities and program service in the public interest.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Dated:

Feb. 25, 1989

Barbara Clemons
President

Barbara Clemons
President
Limestone County Branch, NAACP
Rt. 11, Box 108
Athens, AL 35611

DECLARATION OF EARL SHINHOSTER

RE: Georgia and Alabama Station License Renewals

I am the Director of Region V of the NAACP.

I hereby subscribe to the NAACP Georgia/Alabama Petition to Deny. The facts stated therein are true to my personal knowledge except where identified as having been based upon official records such as statistical data and material on file with the Federal Communications Commission.

Many NAACP members residing in Region V of the NAACP, which includes the States of Georgia and Alabama, are regular listeners to the stations subject to the Petition to Deny.

I would be seriously aggrieved if the Petition to Deny is not granted, since members of the NAACP would be deprived of job opportunities and program service in the public interest.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.



Earl Shinhöster
Regional Director
NAACP
970 Martin Luther King Drive S.W.
Suite 203
Atlanta, Georgia 30314

Dated: 7-25-81

CERTIFICATE OF SERVICE

I, David Honig, hereby certify that I have this 1st day of March, 1989 caused a copy of the foregoing "Petition to Deny" to be delivered via U.S. First Class Mail, postage prepaid, to the following: */

M. Scott Johnson, Esq.
Gardner Carton & Douglas
1001 Pennsylvania Ave. N.W.
Washington, D.C. 20004
Counsel for WVNN/WZYP
WAPI-AM-FM, WLWI-AM-FM,
and WVNA-AM-FM

WHBB/WTUN
P.O. Box 1055
Selma, AL 36702

WHOS/WDRM
401 14th St. S.E.
Decatur, AL 35602

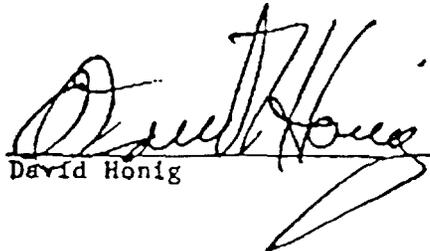
WBHP-AM
2101 Governors Drive S.W.
Huntsville, AL 35805

Stanley Neustadt, Esq.
Cohn & Marks
1333 New Hampshire Ave. N.W.
Washington, D.C. 20036
Counsel for WAGQ-FM

WBBQ-AM-FM
P.O. Box 2066
Augusta, GA 30913

WWGS/WSGY
1434 Tift Ave
Tifton, GA 31794

WOPQ-FM
P.O. Box 1327
Valdosta, GA 31603


David Honig

*/ Licensees are being served directly where no lawyer is listed in the FCC files for the stations.