

returned to the stations to discuss employment, no openings were available.

B. 1982-1987 Reporting Periods

7. Contrary to the Petitioners' allegations, during the other six years of the license term, the licensee did consider and employ a substantial number of Blacks, all but one of whom applied and/or was hired for upper-level job positions.

8. For example, in August 1982, the licensee hired Nat Tate, a local Black community leader and radio and

10. The stations also hired Ricky Patton, a Black, as a full-time account executive and on-air announcer in October 1982. Five to six other applicants were recruited from Calhoun Community College for this position. Mr. Patton was selected and hired and worked until May 1983, when he left for a job at a Huntsville station. Mr. Bramlett has maintained contact with Mr. Patton since he left the employ of WHOS/WDRM. Mr. Patton has continued to consult with Mr. Bramlett about programming policies. In addition, Mr. Patton is one of three representatives of two local Huntsville Black-oriented stations who have met with Mr. Bramlett at least twice a year since 1986 to seek advice about general radio and programming matters.

11. In July 1983, the stations hired Carla Snell, a Black woman, as a full-time reporter and morning drive-time news announcer. In addition to Ms. Snell, three to four other applicants were referred by Calhoun Community College for the position. Ms. Snell was the most qualified. However, her work was so excellent that she was hired only two months later by another local radio station and left WHOS/WDRM to work there.

12. In August 1983, the licensee hired Willie Acklin, a Black, as a part-time announcer. Mr. Acklin was referred by Mr. Tate. Five to six other applicants were referred by Calhoun Community College for the position. Mr.

Acklin was only hired on a temporary basis and did not become a permanent employee.

13. In August 1986, the stations hired Gwendolyn Stephenson, a Black female, as full-time Office Manager and Sales Assistant. The stations sought and received five potential candidates for the job from Manpower, Inc., a local

[REDACTED]

considered Mr. Newby highly qualified for the job, because he had worked at a radio station in Huntsville. However, at the time of these discussions, WHOS/WDRM had no job openings. Mr. Bramlett did maintain contact with Mr. Newby and provided him with references when Mr. Newby applied for a sales position at WLAC, in Nashville, Tennessee.

16. In April 1987, Renita Jimmar, a Black woman, inquired about a full-time sales position at WHOS/WDRM. Despite the fact that she was a very qualified account executive and copywriter at a local television station, Mr. Bramlett had no job openings at the time to offer her. Subsequently, in June 1987, when Mr. Bramlett was able to offer Ms. Jimmar a position, she declined because she had accepted other employment and was unable to consider the offer.

17. Consequently, during the seven-year license term, although few Blacks (7.4%) were available in the stations' local labor force,^{10/} WHOS/WDRM actually employed

^{10/} The difficulty in hiring Blacks because of the lack of available minorities in the local labor force is evidenced by the fact that, since 1982, not one other station licensed to Decatur, which filed employment statistics with the Commission, reported employing any Blacks in full-time positions during the entire seven-year period. The only stations which reported employing Blacks in a part-time position were WHOS/WDRM. See Exhibit B. Moreover, it is clear from the record set forth above, that WHOS/WDRM actually employed, in addition to the part-time employee, six additional Blacks in full-time positions, five of whom held positions in the upper-four job categories. These six

seven Blacks and interviewed and/or made job offers to several others who declined these offers. In addition, Mr. Bramlett, the stations' General Manager, has maintained contact during the license term with several local Black broadcasters who have either served as qualified candidates or referred qualified candidates for station positions.

III. CONCLUSION

plan, the Commission will review all relevant and material information, such as the composition of the station's work force, the composition of the local labor force, the description of the station's EEO program and policies, recruitment and promotion data, and any EEO complaints filed against the station or licensee. Id. at ¶ 8. If factual questions exist after the Commission's initial review, the Commission will conduct an inquiry or investigation. If, after this process, the factual questions persist and are substantial and material, the Commission will designate the renewal application for hearing. Id. at ¶ 8, footnote 8.

19. In this case, no hearing is required since no substantial or materials questions of fact exist with respect to Dixie's employment practices. The Petitioners have presented no evidence of overt discrimination by Dixie or its employees, and in fact, no such discrimination has occurred.

been insufficient. A substantial number of women have been applying for positions at the stations. Also, despite the near absence of Blacks (only 7.4%) in Morgan County, and the small size of the stations' staff (ranging from a low of 14 in 1983 and 1984 to a high of 21 in 1987), the licensee has, during the course of the seven-year license term, employed and/or considered for employment a substantial number of minorities -- all but one of whom was for an upper-level job position -- by virtue of its contact with local Black broadcasters, colleges and other institutions.

21. In Michigan and Ohio Television Renewals, 3 FCC Rcd. 6944 (1988), the Commission renewed without conditions the license application of Station WSFJ(TV), in Newark, Ohio. WSFJ was a small station with only 22 full-time employees. It was located in the Columbus MSA with a work force comprised of 11% minorities (9.7% Blacks).^{11/} It employed only one Black in a full-time position as a Sales Manager during its entire seven-year license term, employed Blacks as part-time camerapersons throughout the license term, and made offers to only two Blacks for other available positions,

^{11/} The Commission noted that the licensee of WSFJ relied on Licking County employment data, which included 1.5% minorities, because it apparently did not know that Licking County had been added to the Columbus MSA by the Office of Management and Budget. However, even though WSFJ was relying on a smaller minority population in terms of its EEO self-analysis, the station was still located in an area where more minorities were actually available. With the actual availability of 9.7% Blacks, as noted below, the Commission found WSFJ's recruitment efforts acceptable.

including an on-air position. The station also conducted an internship program with a local college and high school. Id. at p. 6945.

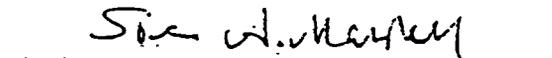
22. In the instant case, Stations WHOS/WDRM have, during the entire license term, employed fewer full-time employees than WSFJ -- never more than 21. They are located in a community with a work force comprised of fewer minorities and Blacks -- only 8.2% minorities and 7.9% Blacks. Yet, during their license term, they employed seven times more Blacks than WSFJ and made offers to, and/or maintained contact with, more Black applicants than WSFJ. Like WSFJ, WHOS and WDRM have conducted an internship program for the last two years with the local university.

23. In reviewing WSFJ's recruitment, training and job hires, the Commission found that the licensee strove to consider minorities for available positions and that it had complied with its EEO rules and policies, warranting no further inquiry or administrative sanctions. Likewise, the Commission should find that notwithstanding the relatively small size of the stations' labor force, WHOS/WDRM have employed minorities and made efforts to recruit and hire them. Therefore, the Commission should find no substantial or material questions of fact warranting further hearing, nor the need to impose any other administrative sanction on the licensee with respect to the employment practices of the stations.

WHEREFORE, in light of the above, Dixie Broadcasting, Inc., Debtor-in-Possession, respectfully requests that the Petitioners' Petition to Deny be denied insofar as it relates to the renewal applications of Stations WHOS(AM) and WDRM(FM), Decatur, Alabama.

Respectfully submitted,


/s/ Daniel F. Van Horn
Daniel F. Van Horn


/s/ Susan A. Marshall
Susan A. Marshall

Arent, Fox, Kintner, Plotkin
& Kahn
1050 Connecticut Avenue, NW
Washington, D.C. 20554
(202) 857-6030

Counsel for Dixie
Broadcasting, Inc.,
Debtor-in-Possession

April 14, 1989

Exhibit A

STATEMENT

I, Nat Tate, hereby state under penalty of perjury as follows:

1. I am a Black male currently employed on a full-time basis as an account executive at Stations WHOS/WDRM, in Decatur, Alabama. I have been working at WHOS/WDRM in my current position since April 1, 1989.

2. Prior to my current employment, I worked at Stations WHOS/WDRM in August 1982 as Sales Manager on a full-time basis. At that time, I also worked on programming matters. In April 1983, I left the stations to start a full-time business of my own in Decatur.

3. After I left the employ of Stations WHOS/WDRM, however, I maintained contact with their General Manager, J. Mack Bramlett. Since 1983, I have continued to consult with

6. In October 1982, while I was working at WHOS/WDRM, Mr. Bramlett hired Ricky Patton, a Black, as a full-time account executive and on-air announcer. Mr. Patton worked at the stations until May 1983 when he left to work at a Huntsville Black-format station.

Executed on this ____ day of _____, 1989.

Nat Tate

Exhibit B

1982 Overall Work Force
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	16	16 (100%)	--	--	--	--	4 (25%)	1 MC
WBQM(FM)*/**/								
WAJF(AM)**/								
WRSA(FM)**/								
WMSL(AM)***/								

1982 Top-Four Employee Categories
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	14	14 (100%)	--	--	--	--	2 (14.3%)	1 MC
WBQM(FM)*/**/								
WAJF(AM)**/								
WRSA(FM)**/								
WMSL(AM)***/								

*/ Noncommercial educational station.

**/ Fewer than five full-time employees.

***/ Dixie was unable to locate Annual Employment Report data for this station.

25

1983 Overall Work Force
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	14	14 (100%)	--	--	--	--	2 (14.3%)	1 MB
WBQM(FM)*/**/								
WAJF(AM)	5	5 (100%)	--	--	--	--	1 (20%)	5 MC
WRSA(FM)**/								
WMSL(AM)	10	10 (100%)	--	--	--	--	5 (50%)	1 MC, 2 IC

1983 Top-Four Employee Categories
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	13	13 (100%)	--	--	--	--	1 (7.7%)	1 MB
WBQM(FM)*/**/								
WAJF(AM)	4	4 (100%)	--	--	--	--	--	5 MC
WRSA(FM)**/								
WMSL(AM)	9	9 (100%)	--	--	--	--	4 (44.4%)	1 MC, 1 IC

*/ Noncommercial educational station.

**/ fewer than five full-time employees.

1984 Overall Work Force
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	14	14 (100%)	--	--	--	--	5 (35.7%)	7 MC, 2 FC
WBQM(FM)*/**/								
WAJF(AM)	6	6 (100%)	--	--	--	--	1 (16.7%)	3 MC
WRSA(FM)**/								
WMSL(AM)	12	11 (91.7%)	--	--	1 (8.3%)	1 (8.3%)	6 (50%)	1 FC

1984 Top-Four Employee Categories
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	13	13 (100%)	--	--	--	--	4 (30.8%)	7 MC, 1 FC
WBQM(FM)*/**/								
WAJF(AM)	5	5 (100%)	--	--	--	--	--	3 MC
WRSA(FM)**/								
WMSL(AM)	12	11 (91.7%)	--	--	1 (8.3%)	1 (8.3%)	6 (50%)	--

*/ Noncommercial educational station.

**/ Fewer than five full-time employees.

1985 Overall Work Force
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	15	15 (100%)	--	--	--	--	5 (33.3%)	1 MC, 1 FC
WBQM(FM)*/**/								
WAJF(AM)	6	6 (100%)	--	--	--	--	2 (33.3%)	2 MC
WRSA(FM)**/								
WMSL(AM)	11	11 (100%)	--	--	--	--	5 (45.5%)	1 MC, 1 FC

1985 Top-Four Employee Categories
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	13	13 (100%)	--	--	--	--	3 (23%)	1 MC, 1 FC
WBQM(FM)*/**/								
WAJF(AM)	5	5 (100%)	--	--	--	--	1 (20%)	2 MC
WRSA(FM)**/								
WMSL(AM)	10	10 (100%)	--	--	--	--	4 (40%)	1 MC

*/ Noncommercial educational station.

**/ fewer than five full-time employees.

1986 Overall Work Force
Decatur, Alabama Stations

<u>Station</u>	<u>Full-time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	16	16 (100%)	--	--	--	--	5 (31.2%)	--
WBQM(FM)*/**/								
WAJF(AM)	7	7 (100%)	--	--	--	--	3 (42.9%)	5 MC
WRSA(FM)**/								
WMSL(AM)	9	9 (100%)	--	--	--	--	4 (44.4%)	1 MC, 1 MAI, 1 FC

1986 Top-Four Employee Categories
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other:</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	14	14 (100%)	--	--	--	--	3 (21.4%)	--
WBQM(FM)*/**/								
WAJF(AM)	6	6 (100%)	--	--	--	--	2 (33.3%)	5 MC
WRSA(FM)**/								
WMSL(AM)	8	8 (100%)	--	--	--	--	3 (37.5%)	1 MC, 1 MAI

*/ Noncommercial educational station.

**/ Fewer than five full-time employees.

1987 Overall Work Force
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	21	21 (100%)	--	--	--	--	7 (33.3%)	8 MC
WBQM(FM)*/**/								
WAJF(AM)	8	8 (100%)	--	--	--	--	2 (25%)	4 MC
WRSA(FM)**/								
WAVD(AM)	6	6 (100%)	--	--	--	--	2 (33.3%)	3 MC

1987 Top-Four Employee Categories
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-time</u>
WHOS(AM)/WDRM(FM)	17	17 (100%)	--	--	--	--	3 (17.6%)	8 MC
WBQM(FM)*/**/								
WAJF(AM)	8	8 (100%)	--	--	--	--	2 (25%)	4 MC
WRSA(FM)**/								
WAVD(AM)	5	5 (100%)	--	--	--	--	1 (20%)	3 MC

*/ Noncommercial educational station.

**/ Fewer than five full-time employees.

1988 Overall Work Force
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-Time</u>
WHOS(AM)/WDRM(FM)	20	20 (100%)	--	--	--	--	8 (40%)	7 MC
WBQM(FM)*/**/								
WAJF(AM)**/								
WRSA(FM)**/								
WAYD(AM)***/								

1988 Top Four Employee Categories
Decatur, Alabama Stations

<u>Station</u>	<u>Full-Time Employees</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Total Minorities</u>	<u>Women</u>	<u>Part-Time</u>
WHOS(AM)/WDRM(FM)	18	18 (100%)	--	--	--	--	6 (33.3%)	7 MC
WBQM(FM)*/**/								
WAJF(AM)**/								
WRSA(FM)**/								
WAYD(AM)***/								

*/ Noncommercial educational station.

**/ Fewer than five full-time employees.

***/ Dixie was unable to locate Annual Employment Report data for this station.

Exhibit C

STATEMENT

I, J. Mack Bramlett, hereby state under penalty of perjury as follows:

1. I am an officer and director of the licensee and General Manager of Stations WHOS(AM) and WDRM(FM), Decatur, Alabama. Stations WHOS and WDRM are licensed to Dixie Broadcasting, Inc., Debtor-In-Possession.

2. I have worked at Stations WHOS and WDRM since 1962. I have been responsible for the Equal Employment Opportunity Program at the stations since 1976 when the current licensee acquired them. I have held the title of officer and director of the licensee since 1976, as well.

3. I have read the foregoing "Opposition to Petition to Deny" and all of the exhibits attached thereto and have determined that, to the best of my knowledge and

CERTIFICATE OF SERVICE

I, Valerie Brooks, hereby certify that a copy of the foregoing OPPOSITION TO PETITION TO DENY was mailed, postage prepaid, this 14th day of April, 1989, to the following:

Charles Carter, Esq.
Associate General Counsel
NAACP
4805 Mt. Hope Dr.
Baltimore, MD 21215

David Honig, Esq.
1800 N.W. 187th St.
Miami, FL 33056

Valerie Brooks
/s/ Valerie Brooks
Valerie Brooks

<u>Federal Communications Commission</u>	
Docket No.	<u>92-207</u> Exhibit No. <u>5</u>
Presented by	<u>MASSMEDIA</u>
Disposition	Identified <u>2/17</u>
	Received <u>2/17</u>
	Rejected _____
Reporter	<u>BARBARA LOKO</u>
Date	<u>2/17/93</u>

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5

APR 1

MMB Ex. 5



RECEIVED

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APR 17 1980

Federal Communications Commission
Office of the Secretary

In re Application of)
)
DIXIE BROADCASTING, INC.)
DEBTOR-IN-POSSESSION)
)
For Renewal of Licenses for)
Stations WHOS(AM) and WDRM(FM),)
Decatur, Alabama)

File Nos. BR-881201WO
and BRH-881201WN

TO: Chief, Mass Media Bureau

SUPPLEMENT TO OPPOSITION TO PETITION TO DENY

Dixie Broadcasting, Inc., Debtor-In-Possession ("Dixie"), hereby supplements its Opposition to the Petition to Deny, filed by Region V of the NAACP, the respective branches of the NAACP operating within the service areas of certain referenced Alabama and Georgia radio stations and the National Black Media Coalition with respect to the license renewal applications of above-captioned Stations WHOS(AM) and WDRM(FM), Decatur, Alabama, with the attached executed Statements of Nat Tate and J. Mack Bramlett. Unexecuted copies of Mr. Tate's Statement and Mr. Bramlett's Statement were attached as Exhibits A and C, respectively, to