

the principals of Cable AmeriCal agree not again to compete in the Sacramento cable market for a period of four years.

24. The Commission is urged to review with care the recitations of PacWest in Exhibit II at Tab B. The evidence that Scripps undertook special promotional and other marketing concessions in the area where PacWest was building is beyond dispute. What is particularly noteworthy about the Scripps conduct is that they went out of their way to pick off PacWest customers by holding out lures that are way beyond the limits of fair competition. (The details of how Scripps campaigned to undercut PacWest are recited beginning at p. 29 of Exhibit II). At para. 99, p. 37, and thereafter, for example, there is clear evidence that Scripps approached 35 PacWest subscribers and offered them free TV sets to discontinue service from PacWest and sign on with Scripps.

25. The Commission's unwillingness to consider anticompetitive misconduct until it is adjudicated has to do, it is submitted, with wanting to avoid having to waste resources on mere allegation and surmise. In the subject case, however, PacWest's recitation of the lengths Scripps went to in order to snipe at and pick off existing PacWest customers, all in the interest of keeping PacWest from even getting a toe-hold in the market, is supported by the deposition testimony of Doug Ferguson, its sales manager. (See Exhibit II at pp. 16, 38). And the conduct continues as Scripps zeroes in on PacWest's MMDS subscribers. Scripps drove out the Cable Americal competition. It is clear that Scripps has also targeted PacWest for the same treatment. See, for example, Exhibit

II at p. 32, where notes taken at a June 29, 1988 staff meeting state: "PacWest--not look good for settlement--Oct. they put subs on line. Intensify Competition!" That declaration of intent with respect to PacWest is not conjecture--it is indelibly inscribed in its own notes turned up in pre-trial discovery.

76 The evidence is at hand and now available to the

grant without hearing only if the Commission can find "on the basis of the application, the pleadings filed, or other matters that it may officially notice" that:

...the application presents no substantial and material question....

Renewal Application now presents
Substantial and Material Question

28. The findings of the jury in Sacramento, the decision of the presiding judge, and now the new evidence of the Scripps organization's unwillingness to observe the civilized limitations on competition clearly present a substantial and material question of the riskiness of entrusting Scripps with a broadcast license. By enrolling in the illegal franchising process, it is respectfully submitted, Scripps was a cooperating party in the scheme by which competition would be excluded in return for various payments by the Scripps cable subsidiary. And the misconduct looms even closer to home in view of Judge Schwartz's opinion, at p. 38, that the entire process of the scheme to exclude competition had to do with suppressing speech "contrary to first amendment values." Now, there is evidence at hand of the connivance of the franchising authority and Scripps to gang up on PacWest with an assortment of smothering regulation, foxy tricks, and irregular marketing and pricing.

Presence of Unresolved Character Issues

29. In a regulated industry like broadcasting, the character of a prospective licensee is of principal consideration.

That is why Commission application forms traditionally inquire into attempts to monopolize, evidences of unfair competition or anti-trust conduct, and "unresolved character issues" (see, e.g., FCC Forms 301, 430). The evidence of the complicity by the Scripps cable subsidiary in attempting to monopolize and engaging in unfair competition is of such duration and notoriety as to assure that the parent company has validated the conduct, at the very least by not repressing it. For the Commission to turn away from that circumstance, whatever nice point is asserted for not inquiring further, would be tantamount to declaring that the demonstrated maneuverings of Scripps in Sacramento have no bearing on the Commission's interest in assessing risk before issuing a license. Such a declaration

that surfaced during the discovery process in the pending litigation. Dick Davis, the author of the Memorandum, was the operating official in charge of the Scripps system in Sacramento, and the Memorandum is addressed to Mike Callaghan, the official in charge of all of the Scripps cable holdings. A copy is submitted herewith as Exhibit V at Tab B. Noteworthy, for confirming what PacWest is communicating to the Commission about the competitive voraciousness of Scripps, is the avowal of Davis to "retain a 100% market share" with a strategy to "defeat any and all overbuilders." In the circumstance, the Commission, which has elsewhere successfully created a two-system competition in cellular telephone, cannot in cable TV be expected to tolerate the anti-competitive attitude and conduct of Scripps.

Relief Requested

31. On the basis of the foregoing, PacWest urges the Commission to initiate the process for permitting the taking of evidence in support of the denial of license renewal. If the Commission is not immediately disposed to designate the renewal application for hearing, PacWest reminds that the trial in federal court of the new action against Scripps is scheduled to get under way around the time of the expiration of the current licenses for KUPL, AM and FM. Alternatively, then, PacWest requests that the Commission either issue short term renewals, conditioned on the outcome of the litigation, or defer action on the renewals until the trial is concluded and decision is rendered in CIVS-88-985 in

the U.S. District Court for the Eastern District of California (complaint is Exhibit I at Tab B). Finally, if the Commission rejects this Petition to Deny, it is respectfully requested that the requirements of §73.3591 be observed, that all substantial issues be dealt with and reasons for denial stated.

Respectfully submitted,

PACIFIC WEST CABLE TELEVISION

BY 

Sof Schildhouse

Farrow, Schildhouse & Wilson
1400 16th St., N.W., Suite 501
Washington, D.C. 20036
(202) 328-1800

November 20, 1990

CERTIFICATE OF SERVICE

I, Lisa M. Dorn, of the law firm of Farrow, Schildhouse & Wilson, 1400 16th St., N.W., Suite 501, Washington, D.C., 20036, do hereby certify that copies of the foregoing "Petition to Deny" were sent, by first-class United States mail, on the 20th day of November, 1990, to the following:

Linda R. Bocchi, Esq.
Baker & Hostetler
1050 Connecticut Ave., N.W.
Washington, D.C. 20036

Scripps Howard Broadcasting Co.
6400 S.W. Canyon Court
Portland, OR 97221



Lisa M. Dorn

INCORPORATED BY REFERENCE

1987 Petition To Deny Renewal of Station KSHB-TV

BEFORE THE

RECEIVED

Federal Communications Commission

Nov 19 '87

WASHINGTON, D.C.

OFFICE OF THE SECRETARY

In re Application for)
 Renewal of License)
) File No. BRCT-871001KH
 Television Station KSHB-TV)
 Scripps-Howard Broadcasting Co.)
 Kansas City, Missouri)
)
)
)
 To: Chief, Mass Media Bureau)

PETITION TO DENY

Summary

This Petition is hereby entered against the application for renewal of license for station KSHB-TV, Kansas City, Missouri. Petitioners are cable operators and cable franchise holders who have filed antitrust and other actions in state and federal courts in California against a subsidiary of the licensee of KSHB-TV. The litigation centers around the attempts of Scripps-Howard to punish for, to retaliate against, and to deter proposed competition to its cable television operation in Sacramento. In the state court action, relief is sought for conduct that is alleged to center around payment and the promise of payment by Scripps-Howard to local government bodies in return for which competition would be kept out of the Sacramento area cable TV market where the Scripps-Howard subsidiary operates a cable system. Moreover, in a Motion for Summary Judgment, the defendant, by pleading a Noerr-Pennington defense, in effect concedes the conduct that is at the core of the litigation. In the federal suit, the complaint recites how the cable subsidiary of the licensee attempted to exclude petitioners from competing in the Sacramento cable market and, because petitioners have now won the right to compete in Sacramento, is now improperly retaliating or threatening to retaliate against the petitioners in various other cable markets. Petitioners recite how their effort to enter the cable competition in Sacramento was vindicated after a jury trial on the merits, in which process the jury found improper conduct on the part of local franchising authorities, which conduct implicates the licensee's cable subsidiary. All of this, it is contended, reflects on the qualifications of the licensee. Petitioners urge that the Commission undertake examination into the conduct of Scripps-Howard Broadcasting and its cable subsidiary in Sacramento with a view to initiating the process for denying license renewal for KSHB-TV.

TABLE OF CONTENTS

	<u>Page</u>
License in Dispute.....	1
Petitioners.....	1
Anticompetitive Conduct of Licensee.....	2
Influence-Peddling Feature.....	5
Retaliation by Licensee against Petitioners.....	5
Interest of Petitioners.....	6
Renewal Application and \$1.65 Matter.....	6
Character Question.....	9
Adjudicated Misconduct.....	10
CONCLUSION.....	12

License in Dispute

1. The license for the above-captioned television station is due to expire February 1, 1988. Application for renewal of license on FCC Form 303-S was tendered on October 1, 1987 and accepted for filing by Public Notice, report no. 14023, dated October 14. The application bears File No. BRCT-871001KH. Station KSHB-TV is licensed to Scripps-Howard Broadcasting Co. which, through parent and subsidiary companies, is a substantial media presence in broadcasting, newspapers and other print publishing, and in cable television. More particularly, for this Petition to Deny, Scripps-Howard Broadcasting Co., through subsidiaries, owns 95 percent of the cable television system that serves the City of Sacramento and adjacent county areas in California. The other five percent is distributed among 73 well-known Sacramento and other figures.

Petitioners

2. This Petition is entered in behalf of Weststar Communications I and Weststar Communications II, California limited partnerships that offer cable television services in Truckee/Tahoe City and in Roseville, respectively. Rodney A. Hansen and Eugene Iacopi, through various subsidiaries, control Weststar Communications, Inc., the general partner of both Weststar Communications I and Weststar Communications II. Complaining that defendants have been engaged in a series of activities designed to eliminate competition in the Sacramento cable television market, Weststar Communications I, Weststar Communications II, and Hansen and Iacopi have entered an antitrust suit against

Scripps-Howard Broadcasting Co. and its cable subsidiaries in the U.S. District Court for the Eastern District of California. The complaint, filed August 17, 1987 (File: CIVS-87-1191-MLS-EM), alleges inter alia violations of §§1 and 2 of the Sherman Act (15 U.S.C. §§1 and 2) and is brought pursuant to §§4 and 16 of the Clayton Act (15 U.S.C. §§15 and 26). (A copy of that complaint is submitted herewith as Attachment I).

Anticompetitive Conduct of Licensee

3. The complaint recites how the Scripps-Howard interests attempted to keep competition out of the Sacramento cable market. That attempt failed following a suit brought by Pacific West Cable, a company in which Hansen now has an interest, against the City of Sacramento in the U.S. District Court for the Eastern District of California (Civil No. S-83-1034 MLS). In that suit, and after a lengthy jury trial, judgment was entered August 13, 1987, favoring the plaintiff with respect to its claim of a right to compete in the cable business in Sacramento. (A copy of the judgment (Memorandum Decision, Conclusions of Law and Order For Judgment by U.S. District Court Judge Schwartz) is Attachment II, herewith). On the heels of that result, the City of Sacramento, ostensibly in an effort to limit its exposure to damages in the aforementioned suit brought by Pacific West Cable, adopted an ordinance on July 6, 1987 to end the local cable television monopoly enjoyed by the Scripps-Howard subsidiary and to grant additional licenses on appropriate application (Attachment III herewith is from The Sacramento Bee for July 7, 1987).

4. The Scripps-Howard cable subsidiary in Sacramento

was not a party to the federal court suit by Pacific West Cable against the City of Sacramento. However, after discovery was commenced in that federal court action, a state court action was brought by Pacific West Cable against Scripps-Howard and others in Superior Court of the State of California for the County of Sacramento, No. 336798. In that suit, the complaint (Attachment VI, herewith) alleges that Scripps-Howard agreed to make various payments to the relevant local governments in the Sacramento area in return for the right to operate a cable television service free from competition by other prospective providers such as Pacific West Cable. (Id., pp. 5-9). In March of 1985, the Sacramento area local governments granted modifications of the Scripps-Howard cable franchise, allegedly amounting to a \$20,000,000 cut-back in the original franchise agreement that was awarded to the Scripps-Howard cable subsidiary. (See Response to Interrogatory No. 3, Attachment VII, herewith). In return for the lessening of its cable obligations, Scripps-Howard entered into an Indemnity Agreement with the local governments (Attachment VII, herewith). All of the above, which is alleged in the complaint to have unlawfully deprived the plaintiff of its constitutional right to engage in the publishing activity of cable television and to have unreasonably restrained trade in cable television, would be excused by the defendants as involved with petitioning and influencing governments, activity that the defendants claim is protected by the principles underlying the Noerr-Pennington doctrine. By pleading a Noerr-Pennington defense, however, Scripps-Howard has in effect conceded the anticompetitive conduct that is at the core of the complaint.

5. With the looming prospect of cable competition as a result of the decision in the federal suit, Scripps-Howard then moved against the government beneficiaries of its payments (that were made to protect itself from competition) by attempting to ward off the ordinance eventually adopted by the City on July 6 to open cable franchising to all comers. Thus, Attachment IV, herewith, from The Sacramento Union for July 7, 1987, describes how the local "decision [to adopt the ordinance] came after more than two hours of angry pleas by community members and legal threats by Sacramento Cable Television, which owns the City's exclusive cable franchise" (underlining added). Those legal threats are reported in the form of a statement by the cable company chief executive that the ordinance would force the company to sue for "hundreds of millions of dollars in damages" (Attachment III). The response from a City spokesman reportedly described the threat as "...unjustified saber rattling by someone who thought they could brow-beat public officials" and added: "I was appalled." (Id.) And, in fact, the Scripps-Howard subsidiary did carry out its threat and did file a state court suit against Sacramento in an attempt to ward off the cable competition that the new ordinance presaged. The case has been removed to a federal court and is pending as Sacramento Cable Television v. Sacramento, et al., No. 87-1099 (E.D. Cal. July 2, 1987). Scripps-Howard sought a temporary restraining order against the City. That application was denied in Sacramento Cable Television v. Sacramento, et al., No. CIVS-87-1099-MLS-EM (E.D. Cal. August 6, 1987). Additionally, Scripps-Howard filed yet another suit in the state court seeking by an action in mandamus to prevent

the franchising of any competitor. They lost, and that action, which amounts to an adjudication, is now final. Sacramento Cable Television v. Sacramento Cable Television Commission, Sacramento Sup. Ct. No. 353345.

Influence-Peddling Feature

6. In the Pacific West Cable case against the City of Sacramento (Attachment II) there is evidence in the record that a five percent interest in the Sacramento cable system was conferred on a group of local citizens for their aid in influencing the award of the monopoly cable franchise to the Scripps-Howard subsidiary. It is reported (Attachment V, from The Sacramento Bee for July 19, 1987) that the jury believed that the political process for awarding a franchise was "tainted" by the "influence peddling" of the 73 prominent citizens who were enlisted in behalf of the Scripps-Howard application.

Retaliation by Licensee against Petitioners

7. On top of all of that conduct, Scripps-Howard is now retaliating against Hansen and Iacopi and, in what is asserted in the antitrust suit (Attachment I) as an attempt to persuade them out of competing in Sacramento, is now proposing to injure Hansen and Iacopi in their Roseville and Truckee/Tahoe cable systems. Thus, the antitrust complaint attributes (Attachment I, p. 15) to the chief executive officer of the Scripps-Howard cable subsidiary the following statement:

"[Scripps-Howard] plans to look hard at other markets served by potential competitors," so that

"if those companies make a move in Sacramento...Scripps-Howard might counter by applying for licenses in those cities to make competitors think twice about picking a fight."

The above quote is affirmed in Attachment V, herewith, from The Sacramento Bee for July 19, 1987. And, the Bee notes (Id.) that the Scripps-Howard cable subsidiary "last week wrote letters" to the officials of the various cities where Hansen, Iacopi, and other potential Sacramento competitors operate cable systems, "requesting to go head-to-head with those existing cable systems."

Interest of Petitioners

8. Petitioners have standing to oppose the renewal application for KSHB-TV because the revenues from the operation of the Kansas City television station will be available to the Scripps-Howard organization to further the questionable activities that are the subject of the antitrust suit brought by the petitioners (Attachment I). It may also be noted here that petitioners on October 13, 1987 filed a \$73.3587 Informal Objection to the renewals of license for other Scripps-Howard television stations in Cincinnati, Cleveland, and Detroit. Scripps-Howard moved on October 21 to Dismiss and entered its Conditional Reply to the informal objection. The matter pends.

Renewal Application and \$1.65 Matter

9. The renewal application for the captioned Scripps-Howard television station was, as noted earlier, filed on

October 1, 1987. The filing, on FCC Form 303-S, is signed by Donald L. Perris. Question 4 of Form 303-S asks the following:

Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made, a consent decree been entered or final action been approved by any court or administrative body with respect to the applicant or parties to the application concerning any civil or criminal suit, action or proceeding brought under the provisions of any federal, state, territorial or local law relating to the following: any felony; lotteries; unlawful restraints or monopolies; unlawful combinations; contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination?

The applicant responded "Yes" and submitted an explanatory statement of how Diane Pucin, a white female reporter for the Scripps-Howard newspaper in Cincinnati, had filed with the EEOC a charge of sex discrimination and retaliation. The explanation goes on to relate how the EEOC found probable cause, unsuccessfully attempted to negotiate a conciliation agreement, and that "no further action has been taken by the EEOC."*/

*/ The renewal application on FCC Form 303-S is accompanied by an EEO Program that describes in Exhibit XA how: "On or about August 16, 1982, Joni J. Samuels, a former KSHB billing department employee who was dismissed during her probationary period, filed a charge of discrimination based on race (black) and sex (female) with the Kansas City, Missouri office of the Equal Employment Opportunities Commission in Case No. 071821786." KSHB denied the charge and it was dismissed on March 11, 1983.

Curiously, however, and in the face of the description of the Diane Pucin matter elsewhere in the application, Exhibit XA goes on to declare that:
(footnote continued on next page)

10. It may also be noted that Question 4 of Form 303-S carries "Guidelines" or instructions on the reverse side of the Form for completing response to the question. And, the renewal applicant is instructed, with respect to 4 that:

This question is limited to adverse actions and judgments adjudicated or entered into within the preceding license term. Reportable activities consist of judgments or decrees, including settlement, consent, and like agreements, where the misconduct occurred either in the operation of the station for which renewal is requested or in the conduct of the other broadcast and non-broadcast activities of the renewal applicant and parties to that application, such as all partners and all corporate officers, directors, and stockholders with a 10% or more ownership interest in the applicant.

Thus, Scripps-Howard has elected to disclose the difficulty with Diane Pucin, over non-broadcast related activity and a matter that has not been adjudicated. At the same time, it has, by not owning up to the decision in the Pacific West Cable case (Attachment II), elected to deny that adverse findings have been

(footnote continued from previous page)

No charges have been filed against the station during the current license period. In fact, the charge filed by Ms. Samuels is the only one filed in the station's history.

And the covering FCC Form 396 (Equal Employment Opportunity Program) was signed on September 24, 1987 by Donald L. Perris, President. Explanation is not apparent for the inconsistency between the representation that the Joni Samuels matter was the "only one filed in the station's history" and the contemporaneous revelation of the Diane Pucin dispute.

made in a civil action relating to "unlawful restraints or monopolies" or to "agreements in restraint of trade" or to "the use of unfair methods of competition." And the denial was made in the face of the 303-S "Guideline" that instructs that reportable activities also have to do with the conduct not only in broadcast matters but also in "non-broadcast activities."

11. In appraising the integrity of the Scripps-Howard

activities is of the significance that the Commission will want, as explained next, to consider in appraising the suitability of its licensee.

13. Thus, in Gen. Docket 81-500, the Commission issued its Report, Order and Policy Statement establishing general guidelines to be used in evaluating the character qualifications of broadcast applicants. (102 FCC 2d 1179 (1985)). There, the Commission declared that it would not take cognizance of non-FCC misconduct involving antitrust or anticompetitive conduct unless it is adjudicated. (Id. at 1205). Further, the Commission declared (Id.):

In this regard, there must be an ultimate adjudication by an appropriate trier of fact, either by a government agency or court, before we will consider the activity in our character determinations.

It is herein believed, as is next shown, that there has been such an ultimate adjudication by an appropriate trier of fact and that the misconduct is established.

Adjudicated Misconduct

14. The jury, in special verdicts, found against the City of Sacramento on a number of critical issues in the suit by Pacific West Cable against Sacramento. (Attachment II). All of which prompted Judge Schwartz to rule that the single or monopoly franchise policy of the City was unconstitutional in that it deprived the plaintiff of its First Amendment, or free speech, entitlements. And, it is now herein submitted, the Scripps-Howard cable subsidiary was a party to the illegal

deprivation of the plaintiff's rights. Although the cable company, because it was not a named defendant in the suit, is perhaps shielded from the possibility of an award of damages for the City's unlawful deprivation of the plaintiff's civil rights, it nevertheless was a clear participant in the illegal conduct. It understood that it was bidding for the right to be the sole provider of cable service and its angry response to the City's ordinance that allows competition is ample demonstration of that proposition. By enrolling in the illegal franchising process, Scripps-Howard was a cooperating party in the scheme by which competition would be excluded in return for various payments by the cable company.

15. The jury in the Pacific West Cable case in its Special Verdict No. 12 found the franchising process to be an illegal scheme to trade a monopoly franchise in exchange for various payments. Thus, the jury found that cable is not a "natural monopoly" in Sacramento, that head-to-head competition is feasible. (Attachment II). It also found, in para. d. of Special Verdict No. 12 that the "natural monopoly" theory was a "sham" used by the City "to promote the making of cash payments and provision of 'in kind' services" by Scripps-Howard. And, in para. e. of Special Verdict No. 12, the jury further found that "natural monopoly" was a "sham used by...[the City] to obtain increased campaign contributions for local elected officials." Judge Schwartz himself was of the view that the jury's verdicts "indicate that [the City's]...interests were not 'unrelated to the suppression of expression'." (Attachment 11, p. 38). The Judge's decision also went on to find that:

The jury also found that defendants [i.e., the City and County of Sacramento] used cable television's allegedly naturally monopolistic nature as a pretext to obtain cash payments, in kind services and increased campaign contributions. This suggests that defendants sought to enhance the speech of some while burdening the expression of others--a result which is contrary to first amendment values.

16. The evidence in the Pacific West Cable federal suit against Sacramento (Attachment II) included extensive testimony (the jury trial was of approximately 10-weeks duration) about Scripps-Howard's having enlisted a number of local influentials, repeatedly dubbed the "Gang of 73" (there being that number in the group), who were aimed at winning the cable award for Scripps-Howard. Reportedly (Attachment V), the jury believed that the political process for awarding the Sacramento cable television franchise to Scripps-Howard was tainted by the "influence peddling" of the 73 prominent Sacramento figures.*/

CONCLUSION

17. The conduct of the City of Sacramento and of Scripps-Howard in the Pacific West Cable case demonstrates the validity of an academic view that has labeled cable franchising as "intensely political," at its worst embracing "improper

*/ Among the interesting figures are Martha McBride, wife of Tom McBride, U.S. District Court judge, Jack Kipp, mayor of Folsom, Raul Ramirez, U.S. District Court judge, and Michael Deaver, former White House aide. (See Attachment V).

influence, bribery, and conspiracy."^{*/} Simply, the Sacramento experience has been franchising at its worst, embracing improper influence by the "Gang of 73", bribery (at least in the form of campaign contributions), and conspiracy to keep out competition. That brand of conduct by itself would appear to be repugnant to the business of qualifying for the kind of trust that the Commission risks when it renews a broadcast television license. The participation by Scripps-Howard in an effort to fence out competition with its cable subsidiary--keeping in mind that cable is also a publishing medium in the mass communication field--appears to be a matter that the Commission would want to inquire into before proceeding to renew a television broadcast license, especially so since the effort of the City and by implication that of Scripps-Howard was devoted to the tinkering with expression--"to enhance the speech of some while burdening the speech of others." (See ¶15, supra).

18. A counter, it perhaps may be expected, will seek refuge in contending that the Sacramento experience is the way it has always been done. Concededly, single franchising has been the rule in cable, most of the time perhaps because there has been little or no entrepreneurial interest in overbuilding and competing. But, there is no evidence that "improper influence, bribery, and conspiracy" is also the way it has always been done. And, in this Sacramento case, the dubious conduct of Scripps-Howard is made worse by the threats to retaliate against

^{*/} Lee, Cable Franchising and the First Amendment, 36 Vand. L. Rev. 867, 870 (1983).

the cable systems operated by the Pacific West Cable principals and by the excessive anti-competitive conduct that is recited in the complaints in the federal action (Attachment I) and in the state action (Attachment VI) against Scripps-Howard.

19. In view of the foregoing, the Chief, Mass Media Bureau is urged to find that the public interest will be served by inquiring at hearing into the question of whether Scripps-Howard can demonstrate that it is qualified to continue to be the licensee of station KSHB-TV.

Respectfully submitted,

WESTSTAR COMMUNICATIONS

BY 
Sol Schildhouse, Attorney

Sol Schildhouse, Esq.
FARROW, SCHILDHAUSE & WILSON
1730 M St., N.W. Suite 708
Washington, D.C. 20036
(202) 822-8300

November 18, 1987

AFFIDAVIT

I, Rodney A. Hansen, under penalty of perjury, due hereby affirm that I am principal owner of WestStar Communications, Inc., that I have reviewed the foregoing PETITION TO DENY the renewal application of station KSHB-TV, and that the statements contained therein, except as to those for which official notice may be taken, are based on my personal knowledge and are true and correct, to the best of my knowledge, information, and belief.



Rodney A. Hansen



Date