

1 segment of further questions for Mr. Meyer if I may.

2 BY MR. BERFIELD:

3 Q During the license renewal period, you had a morning  
4 drive time announcing team of Jim Quinn and Don Jefferson. Is  
5 that correct?

6 A Yes, that's correct.

7 Q And they were known as Quinn and Banana, is that  
8 correct?

9 A That is correct.

10 Q And is Mr. Jefferson still employed by WBZZ?

11 A Yes, he is.

12 Q And does he still do the morning drive time?

13 A Yes, he does.

14 Q Now with respect to Mr. Quinn, that's Mr. Jim Quinn,  
15 is he still employed by WBZZ?

16 MR. MILLER: Your Honor, these questions I believe  
17 go to the entertainment programming of the station. There is  
18 nothing in this witness's direct testimony to which, as to  
19 which they are legitimate cross. And I would submit that  
20 they're irrelevant to the comparative issue, and they're also  
21 irrelevant under the renewal request.

22 JUDGE LUTON: They may well be, but they strike me  
23 as being rather introductory in nature that something  
24 irrelevant may be out there somewhere. But I have to agree  
25 that the questions that were put would not seem to be

1 particularly relevant to anything that this witness is here to  
2 tell us about.

3           Were they introductory or are you --

4           MR. BERFIELD: Well --

5           JUDGE LUTON: -- about where you wanted to be in  
6 this questioning?

7           MR. BERFIELD: Well --

8           JUDGE LUTON: Your inquiry was whether Mr. Jefferson  
9 and Mr. Quinn are still employed --

10          MR. BERFIELD: Yeah, I, I believe --

11          JUDGE LUTON: -- by the station.

12          MR. BERFIELD: Yes. Yes. And, and the purpose of,  
13 of these questions relates to the Liz Randolph matter and the  
14 admission of Exhibits 3 and 4. And I understand we're not  
15 going to relitigate the matter, and I don't have any  
16 contention of, of doing that. But the two announcers is  
17 quite, is quite clear from Exhibit 3 who were involved in  
18 this, Mr. Quinn and Mr. Banana. And I think it may be of some  
19 relevance when we come to assess the impact of that whether  
20 Mr. Quinn and Mr. Banana are still employed at the station.  
21 Now the witness has testified -- I say Mr. Banana. That's his  
22 nickname or --

23          JUDGE LUTON: Is the only thing you wanted this  
24 witness to tell you about Mr. Jefferson and Mr. Quinn is  
25 whether or not they're still employed at the station?

1 MR. BERFIELD: And, and when they left and the --  
2 if -- he's already testified Jefferson is still there. And  
3 the only one is Quinn who -- it came out -- we had questions  
4 on this in depositions. And I'm just trying to establish --

5 JUDGE LUTON: Is this the proper witness through  
6 which to do it I think is the objection --

7 MR. BERFIELD: Well --

8 JUDGE LUTON: -- as I understand it. It was that  
9 this witness hasn't -- he's not here to tell you anything  
10 about entertainment programming, and your questions are going  
11 to entertainment programming.

12 MR. BERFIELD: Well, I mean it just has that -- all  
13 he has -- there was only one or two question. I mean he's  
14 obviously the witness with the best -- I can call him as an  
15 adverse witness, Your Honor.

16 JUDGE LUTON: -- I'm sure he can probably answer the  
17 question or two. But I have an objection here. And --

18 MR. BERFIELD: Well, I would say in the interest of  
19 a complete record we have a witness who can answer it and be  
20 done with it in 3 minutes.

21 MR. MILLER: Your Honor, if, if --

22 MR. BERFIELD: I could call him as an adverse  
23 witness.

24 MR. MILLER: Having --

25 MR. BERFIELD: That's all I'm asking.

1 MR. MILLER: Yeah. Having, having a complete record  
2 is fine. But I haven't heard anything to which this  
3 information is relevant. It has nothing to do with the --

4 JUDGE LUTON: Nothing that this witness is telling  
5 us about.

6 MR. MILLER: Nothing that this witness is telling us  
7 about. And I would further submit nothing that has to do with  
8 this case. The only thing Mr., that Allegheny's counsel has  
9 suggested is pertinence to Allegheny Exhibits 3 and 4.

10 JUDGE LUTON: That's right.

11 MR. MILLER: Concerning which --

12 JUDGE LUTON: I'm going to sustain the objection.

13 MR. MILLER: Thank you, Your Honor.

14 JUDGE LUTON: I think that's well.

15 MR. BERFIELD: Well, may I make an offer of proof  
16 then, Your Honor?

17 JUDGE LUTON: Yes.

18 MR. BERFIELD: Okay. And this is based on questions  
19 that were that, that we asked and I think were unobjected to  
20 in the depositions which would reflect that with respect to  
21 Mr. Quinn that he continued at WBZZ on the morning drive time  
22 until December 31st, 1992, and his contract was not renewed.

23 JUDGE LUTON: Yes. But all of this just may be  
24 perfectly relevant evidence but not in the circumstances that  
25 we're facing right now with a witness on the stand who was

1 brought here to testify about certain matters.

2 MR. BERFIELD: I understand your ruling, Your Honor,  
3 and I, I just wanted --

4 JUDGE LUTON: Offer -- the, the offer is, is made,  
5 and the offer is not accepted.

6 MR. BERFIELD: I understand, Your Honor.

7 JUDGE LUTON: All right.

8 MR. BERFIELD: And I have no further questions for  
9 Mr. Meyer.

10 JUDGE LUTON: All right. Bureau.

11 MR. ZAUNER: Thank you, Your Honor.

12 JUDGE LUTON: Yes.

13 CROSS-EXAMINATION

14 BY MR. ZAUNER:

15 Q Mr. Meyer, may I call your attention to WBZZ Exhibit  
16 No. 5. That's not in the big book. I believe it's the --  
17 well, maybe it is in your big book. The thing with Edward Tex  
18 Meyer.

19 A Number 5?

20 Q Yes.

21 A Okay.

22 MR. MILLER: For what it's worth, the attachments to  
23 that exhibit are not in the big book. Those were -- separate.

24 WITNESS: Excuse me for taking so long.

25 MR. ZAUNER: That's okay.

1 WITNESS: I apologize.

2 MR. ZAUNER: -- just ask my questions.

3 BY MR. ZAUNER:

4 Q And at page 2 thereof, you indicate that you  
5 participate in ascertainment efforts on a regular basis. And  
6 also that you review all of the ascertainment reports. My  
7 first question is what is the ascertainment process that WBZZ  
8 uses?

9 A It's twofold. Our news director always does  
10 ascertainments with community leaders on a regular monthly  
11 basis. Those are distributed to the department heads on a  
12 regular basis. And we discuss those ascertainments and then  
13 devise what are significant issues from that.

14 I as a general manager along with the sales manager,  
15 the program director, the business manager and the news  
16 director do group ascertainments on a quarterly to every  
17 6-month basis. Those are sponsored under the auspices of the  
18 Pittsburgh Radio Organizations.

19 And we do those -- we have two sessions going per  
20 day. In the morning, in the afternoon with two sessions. And  
21 I'll be in one session. A sales manager will be in another  
22 session in the morning. And then we'll have another  
23 department head in the afternoon session and another  
24 department head in the -- we collect those. I initial those,  
25 sign those, put those in the public file. And we discuss

1 those at department head meetings on a regular basis.

2 We also interview community leaders when they, when  
3 they come to the radio station, or we go to their place of  
4 business on a regular basis. When I say regular basis, it  
5 happens almost weekly.

6 Q When you do these group ascertainment, who else is  
7 present besides yourself and, and your station people? What  
8 do you mean by group ascertainment?

9 A The members of the Pittsburgh Radio Organization.  
10 We also invite the non-members of the association on a fee  
11 basis to participate. And we invite the television stations  
12 to participate on a fee basis which defrays our cost of the  
13 hotel.

14 Q What happens at one of these group ascertainment  
15 where you and the other station executives are present?

16 A Okay, we'll have the mayor come in, for example,  
17 Mayor Sophie Masloff. She'll talk about the needs in the  
18 community. She'll talk about the problems in the community,  
19 social issues in the community. I take notes. And then  
20 there's a question session after that where we can ask that  
21 specific person questions, and those are put into our public  
22 file.

23 Q Do you have a form that you utilize in taking notes,  
24 or do you just take freehand notes on a pad of paper?

25 A No, no. There is, there's a copy of a form

1 somewhere in this exhibit. Matter of fact, I think it may be  
2 in the shorter book right here. This is one of the  
3 ascertainment forms. This is one of the older ones. We  
4 have --

5 Q What, what page are you looking at just for the  
6 record?

7 A Page 38.

8 Q Exhibit No. 5.

9 A Exhibit No. 5. These are the older forms. These  
10 have been updated.

11 Q But it is a form similar to this that you have used.

12 A Yes.

13 Q And, and the form that we're looking at at page 38  
14 was a form that was in use during the license period that's in  
15 discussion here.

16 A Right. The form that's probably been used for the  
17 last 4 years is more descriptive which describes is it, is it  
18 a businessperson? Is it a educator? Is it a Afro-American?  
19 Is it a male, a female? Name of the organization. Their  
20 principal role in the organization. It's much more detailed  
21 than these older forms that go back what I'm looking at at '87  
22 here.

23 Q Then after this is done as I understand your  
24 testimony, all of you get together and discuss the problems  
25 and needs that you've ascertained through the group

1 | ascertainment process, is that correct?

2 |       A     We'll have four to six people at these sessions on  
3 | the day. They'll turn in all their forms to me. I will read  
4 | all the forms, initial all the forms. They are then put in  
5 | the public file. We make a copy of that, and we discuss it in  
6 | a department head meeting and come to some conclusion of what  
7 | the needs, issues, problems in the community are and how we're  
8 | going to address those.

9 |       Q     Do you make a determination as to which of the needs  
10 | and problems that you've heard discussed are the most pressing  
11 | or important for your community?

12 |       A     Yes, yes, I do. In general, they all seem to center  
13 | around a lot of similar things in Pittsburgh. Obviously crime  
14 | is a, become an increasing problem. For our station since we  
15 | reach a somewhat youthful audience, teenage pregnancy, people  
16 | dropping out of school. Tax, the city tax in Pittsburgh  
17 | always comes up on a regular basis. There's a 10 percent  
18 | entertainment tax which is causing the downtown area to sort  
19 | of deteriorate, because entertainers won't come into the city  
20 | of Pittsburgh. They'll go to the outlying areas. Parking.  
21 | Traffic. Those are I mean similar themes that I hear over and  
22 | over at these meetings.

23 |       Q     At the department head meeting where these needs are  
24 | discussed, is there also a discussion of the nature of the  
25 | programming that should be presented to meet the needs?

1           A     Yes. Those are incorporated into Pittsburgh Opinion  
2 which I mentioned earlier. Also the Dialogue show, and we  
3 talk about this specific person may be good to have on  
4 Dialogue. They have a lot more to expand on on this  
5 particular issue. Let's get them to come in for an interview  
6 or to spend a half hour, an hour on Dialogue.

7           Q     Now you indicated community leaders are interviewed  
8 on a monthly basis. Is there a formal schedule for doing  
9 that, or is it -- or exactly how is it determined when a  
10 community leader will be interviewed and which community  
11 leader will be interviewed? That is apart from the group  
12 ascertainment.

13          A     It's done on a regular basis. It's left up to the  
14 discretion of the news director, but it's discussed in the  
15 department head meeting. And we, we take the Sunday morning  
16 show, Dialogue, that runs 7 to 8. And I guess a lot of it  
17 goes in a circle. But from the ascertainments come the  
18 interviews for that show. Or it's almost a trickle effect  
19 that maybe somebody else will be involved. That person wasn't  
20 at the ascertainments. We may do an ascertainment at that  
21 time.

22          Q     Well, who makes the determination which leaders will  
23 be interviewed?

24          A     The news director does that.

25          Q     You've talked about serving the needs of the

1 Pittsburgh community. Is it the policy of WBZZ to serve the  
2 needs of the Pittsburgh community in total, or does it focus  
3 on any of the local communities as a separate entity whose  
4 needs are to be served?

5 A Well, we're licensed to Pittsburgh. However, the  
6 way that the population base in Pittsburgh breaks down is  
7 Pittsburgh is a very small population base. It's only about  
8 320,000 people. However, Allegheny County of which Pittsburgh  
9 is a part is a community of almost 2 million people. So  
10 Pittsburgh is -- the greater Pittsburgh area is comprised of  
11 many boroughs and little cities. Everything from Greentree to  
12 Millvale which we mentioned, Fox Chapel, Franklin Park. These  
13 are all part of Allegheny County but not a part of the city of  
14 Pittsburgh.

15 The reason there's a tax base, a personal income tax  
16 base of three and three-quarters I believe for residents in  
17 the city of Pittsburgh. But when you get to any of these  
18 boroughs which may be as close as a mile away from the greater  
19 Pittsburgh, that tax base drops down to 1 percent. So  
20 obviously we serve the needs of people in these boroughs of  
21 Greentree. That really falls in Allegheny County, and then we  
22 continue on into the five-county metro which is where we  
23 really serve. Butler County has now been added to that, so  
24 it's six-county as of right now.

25 Q Are you familiar with a community called

1 Wilkinsburg?

2 A Yes, I am.

3 Q Is that within your service area?

4 A Yes. Matter of fact, it's really within the city of  
5 Pittsburgh. But again it's a little borough of its own,  
6 Wilkinsburg. It's a very high-crime area. And we have done  
7 ascertainties which are in our public file with people from  
8 Wilkinsburg.

9 Q Let me call your attention to -- and I'm going to --  
10 I'm sorry to have to have you go back into the big book. But  
11 I'd like you to take a look at WBZZ Exhibit No. 2, page 5.

12 MR. BERFIELD: Is that Roman numeral V?

13 MR. ZAUNER: Roman numeral V.

14 MR. BERFIELD: Thanks.

15 MR. ZAUNER: It's the listener program treatment of  
16 issues.

17 BY MR. ZAUNER:

18 Q What I'd like to know, is this a list of all of the  
19 issues that were ascertained by WBZZ during the license  
20 renewal period?

21 A No, I'm sure it's not all the issues that were  
22 ascertained. It's a good representation of them though.

23 Q Are these the issues that were determined to be the  
24 most important of those that were ascertained?

25 A Yes.

1 Q How were you able to decide which issues were the  
2 most important? What criteria or criterion did you use?

3 A I guess over a period of time when you do these  
4 ascertainties certain things come into focus and come into  
5 your mind. And the priorities of what's needed in the  
6 community certainly play a part of that. And I guess a lot of  
7 that comes from osmosis. A lot of it comes from people living  
8 in the area.

9 All the people in our management team have been in  
10 the Pittsburgh area for a long period of time. Mary Ann Pace  
11 has been with the company 12 years and grew up in Pittsburgh.  
12 I've been with the company 10 years coming in March. And I  
13 think I have a pretty good feel of it. Shelley Duffy grew up  
14 in Butler but has been with our radio station 5 years. Buddy  
15 Scott, our program director, has only been with us 2 years.  
16 But he's the type of person when he moves to a community that  
17 gets a good feel of it. And I think a lot has to do with the  
18 tenure and understanding, understanding the market that you  
19 live in. We all live in Allegheny County.

20 Q Are there any other sources of information as to the  
21 needs and problems of the community on which you rely other  
22 than the ascertainment? For example, local newspaper?

23 A Yeah. Yes, excuse me. I think when you're a part  
24 of the media, you have access to an awful lot of sources. And  
25 I think just living in the community and being a part of that

1 community and I believe all the department -- and I'd hate to  
2 make a statement for them, but I believe they all subscribe to  
3 the newspapers. They all watch the local television stations.  
4 We're all aware of the other radio stations and what they're  
5 doing to be involved in the community.

6 And it's just you can't have blinders on. You have  
7 to be open to the needs of the community just by observing and  
8 talking to a lot of people.

9 (Pause.)

10 Q Let me call your attention to one of the attachments  
11 to your Exhibit No. 2. And that is the attachment under the  
12 heading charity. Can you just take a look at what's there in  
13 the following pages number 40 and 41 and 42, etc.? And my  
14 question is --

15 (Pause.)

16 Q Looking at WBZZ Exhibit No. 2, page no. Roman  
17 numeral V, where is charity identified as an issue that was  
18 ascertained to be necessary for programming to treat --

19 A You mean out of the ascertainments where does that  
20 come from?

21 Q Yes. You have a list of, of important issues. I  
22 don't notice charity being an ascertained issue.

23 A I can answer that by very simply that charities and  
24 non-profit organizations come to us more than any other  
25 organizations for help, some fund raising events and help that

1 they want us to get involved in. The nature of the radio  
2 station being a top 40 or contemporary hit radio station has a  
3 very high profile in the community from a standpoint of  
4 getting involved with charities, especially youthful  
5 charities.

6           So most of those issues we, we handle in a public  
7 service announcement form. And those are solicited to us on  
8 their own and I guess, I guess out of the ascertainments there  
9 are very few charitable organizations that are involved in the  
10 ascertainments. It's more community leaders. But they  
11 solicit us from a standpoint of help with their organization.

12           Q     I understand that. But for example a question asked  
13 by Pittsburgh Opinion was do you think charitable  
14 organizations should be tax exempt? Is that responsive to a  
15 ascertained need or problem in the Pittsburgh community?

16           A     It -- that was an issue that happened a few years  
17 ago. That was a very high profile item that had to do with a  
18 central blood bank and with a public service television  
19 station which was WQED where there was an issue that was  
20 running in the community about people receiving very high  
21 salaries with the central blood bank and with WQED and being  
22 listed as a non-taxed entity.

23                     And so that was a very high profile thing in the  
24 Pittsburgh market. And it received much publicity. Front  
25 page of the newspaper, local television stations, our

1 newscast. And that's where that came from.

2 (Pause.)

3 Q I see you have treatment of issues. One of the  
4 issues that you've listed was entertainment. Do you know what  
5 was meant by the issue of entertainment?

6 A Yes, I do.

7 Q Not enough entertainment, the wrong type of  
8 entertainment --

9 A No. I refer back to my statement on the taxation,  
10 the entertainment tax in the Pittsburgh market with a 10  
11 percent tax on entertainers. So if they played the Civic  
12 Arena which is in downtown Pittsburgh in the city of  
13 Pittsburgh, they're taxed 10 percent off of whatever their  
14 payment is from the promoter.

15 There was an issue with the Pittsburgh Pirates and  
16 the Pittsburgh Steelers that they wanted to tax out-of-town  
17 baseball players, football players and hockey players that  
18 came to town, because they were receiving so much benefit from  
19 the city of Pittsburgh on an, on an entertainment basis and  
20 that their salary virtually was coming from playing in the  
21 city. So that's where that came from.

22 Q Well, let me call your attention to Exhibit No. 2,  
23 page no. 242. And that's in under the entertainment.

24 A I've got 241.

25 Q 242?

1 A 242. I do have it. Excuse me.

2 Q Well, how was an interview by Steve Camer (phonetic  
3 sp.) of actor Leonard Nimoy relevant to the issue of an  
4 entertainment tax in Pittsburgh?

5 A I don't know the answer to that. I did not hear  
6 that specific program so I, I don't know.

7 Q And, and what would an interview of Mel Brooks have  
8 to do with the entertainment tax in Pittsburgh?

9 A Again, I don't know the answer to that.

10 Q Do any of these, and there's a few more listed Steve  
11 Camer interviews really have anything to do with an  
12 ascertained need in the Pittsburgh community?

13 A No, because this is a nationally produced show and  
14 would not really deal with local Pittsburgh issues.

15 Q Let me call your attention to table 2, the category  
16 media. What was the ascertained problem or issue of media?

17 A So we're going to Exhibit No. 2 now?

18 Q Back to table 2 which is WBZZ Exhibit No. 2, page  
19 no. Roman numeral V. It's just a single word, it says media  
20 under WBZZ program treatment of issues.

21 A I don't know without specifically seeing now the  
22 breakdown of that. I was looking back on media in 470 and --

23 Q Well, let me ask you to take a look at WBZZ Exhibit  
24 No. 2, page no. 470.

25 A Right.

1 Q And I hate to have you flip again.

2 A No, I was there originally when you were -- it was  
3 going back to the other page that took a while.

4 Q These are the needs that were ascertained, right,  
5 about media?

6 A Right.

7 Q Beaver County always gets lost.

8 A Doesn't get much media attention, right.

9 Q Public relations in the city of Pittsburgh,  
10 Pittsburgh's image, specific minority problems in the  
11 community, community service groups need the media, reputation  
12 of Pittsburgh, how to improve social service programs and  
13 media focus on the true needs of each organization.

14 A Um-hum.

15 Q Now I call your attention to page 471. Which of  
16 those ascertained needs were met by Steve Camer interviewing  
17 Peter Jennings? And I presume that should be said Jennings  
18 with an E not an A in the issue treatment block.

19 A I don't know. Again this is a nationally produced  
20 program, and it would have no direct -- although again I, I  
21 haven't heard that specific program. But it's a nationally  
22 produced program.

23 Q And would your answer be the same with regard to the  
24 other Steve Camer interviews listed in beginning on page 471  
25 and following through to --

1 A Yes, I think it would be, yes.

2 Q Is it fair to say as far as you know that these  
3 programs had nothing to do with the ascertained need of media?

4 A Yeah, I would say that. I think it's more reflected  
5 in the Pittsburgh Opinion which is on page 477 which has to do  
6 with the media.

7 Q Let me ask you a general question about Pittsburgh's  
8 Opinion. As I understand Pittsburgh Opinion, questions are  
9 asked of men in the street --

10 A Men and women.

11 Q -- and they respond -- and women. And you then  
12 broadcast the question and the response.

13 A That is correct.

14 Q How do you feel that that helps to meet the needs  
15 and interests of the Pittsburgh community?

16 A Well, first of all, it gives us a real focus in what  
17 the man or woman or child on the street is thinking. And it  
18 also gets people to think about many, many issues that people  
19 have to deal with. A lot of times the issues are very  
20 entertaining from a standpoint of there's some humor used in  
21 those for their entertainment value. I mean we want non-  
22 entertainment to also be entertaining to the public.

23 And the topics are very topical and it gets, it gets  
24 community involvement. It gets the person on the street to be  
25 able to give an opinion on the radio station. And we, we

1 request at the end of Pittsburgh Opinion that if you would  
2 like a question submitted or you would like to talk further,  
3 please send us your suggestions.

4 Q Let me call your attention to WBZZ Exhibit No. 2,  
5 page no. 719. There you've ascertained news relating to  
6 sports. And the need ascertained or the needs ascertained are  
7 11 year veteran's decision to retire. It's talking about a  
8 sports figure. The sales inventory for the Pittsburgh Pirates  
9 and resolutions to keep Pittsburgh Pirates in Pittsburgh. Now  
10 these are the needs that were ascertained during the license  
11 renewal period. Is that correct?

12 A Yes.

13 Q Turning now to page 720, can you tell me how George  
14 Holmes talking about how Americans are taking off their suits  
15 and ties and replacing them with boots and a saddle meets the  
16 ascertained needs of Pittsburgh?

17 A That's a very good question. I don't know.

18 Q There are a number of other interviews. The next  
19 one is Steve Camer interviewing Cincinnati Reds player and  
20 manager Pete Rose who discussed drugs in baseball, etc. Would  
21 your answer be the same for that?

22 A No, it would not be. Because that was a big story  
23 in Pittsburgh. And anybody that follows baseball will recall  
24 the Pittsburgh Pirates went through a tremendous period of  
25 drug abuse on their team. And --

1 Q But, but my question is how does that relate to the  
2 needs ascertained as indicated on page no. 719? As I can see  
3 it, there was no ascertained need concerning drug usage by  
4 sports figures.

5 A No, but it certainly had to do with the sales  
6 inventory for the Pittsburgh Pirates which drastically hurt  
7 them during that time period. That was during the time when  
8 they were drawing 4 and 5,000 people to a ball game.

9 Q Let me talk to you for a second about the Dialogue  
10 program when host Liz Randolph interviewed Gene -- I'm not  
11 going to try to pronounce the name and Rick Foster, Formula I  
12 speedboat racing and how they got started. Would you agree  
13 with me that that has nothing to do with the ascertained needs  
14 and problems of the Pittsburgh community?

15 A I, I don't know what page you're on.

16 Q I'm sorry. I'm at page 720. And it's under the  
17 heading Dialogue.

18 A Well, I'm sure under another category what Formula I  
19 speedboat racing has to do with is the Pittsburgh Regatta.  
20 And again that focuses under not only -- and these may not be  
21 categorized 100 percent correct. But that has to do with  
22 entertainment in the Pittsburgh area and also with the 10  
23 percent entertainment tax.

24 The Regatta happens to be the biggest event in the  
25 city of Pittsburgh which is in the first week of August. And

1 Formula I racing is a very important part of that. And that  
2 draws somewhere between 750,000 to 1 million people on the  
3 first weekend of August. And that would fall under the  
4 ascertainment columns. I'm not sure whether that was put  
5 under entertainment or sports. But the person that heads that  
6 up is Rich Maloney, and I know he has been to the  
7 ascertainment.

8 Q The next entry is host Liz Randolph and former  
9 American League umpire Ron Luciano discussed his latest book  
10 The Fall of the Roman Umpire. Could you tell me how that  
11 relates to ascertained needs and problems in the Pittsburgh  
12 community?

13 A Well, he's been one of the guests at the Dapper Dan  
14 Classic which is held in January each year. That's a sports  
15 banquet that Dapper Dan is a division of Children's Basketball  
16 where the donations go to that, raise funds for that. And he  
17 was one of the guests at that. And I'm sure he talked not  
18 only about that but about the Dapper Dan Classic.

19 Q Turning the page, another Dialogue episode, host  
20 Shelley Duffy and Bob Beamon, long jumping gold medalist in  
21 the 1968 Olympics talk about -- program for athletes in the  
22 summer games of '88. How does that deal with a ascertainment?

23 A I don't know.

24 Q Same question regarding the next entry concerning  
25 the Oakland Women's Center.

1           A     Okay, that should be under charities specifically.  
2 It was an all-women's event that the station hosted for either  
3 2 or 3 years. The Oakland Women's Center is a center for  
4 abused women. And this event was an event to raise money that  
5 had various media involved, and we were the co-sponsor of the  
6 event.

7           Q     You're saying then that this indirectly benefitted  
8 the event rather than the program itself being directly  
9 related to the ascertained needs.

10          A     No, I think it directly affected women that have  
11 been abused. And it was a way of raising money. I, I think  
12 what you have to understand about some of these things and the  
13 way they're categorized that this is a huge database from a  
14 period of 7 years. And that when we went back into our  
15 quarterly issues and also into our ascertainments, we  
16 categorized these to the best of our knowledge, a number of  
17 people. I obviously had employed people to go through the  
18 logs, through the quarterly issues and put these in. With the  
19 amount of this work, this I would have put under charity  
20 directly rather than under sports.

21          Q     Do you know that this program consisted of anything  
22 in addition to talking about the first annual event in  
23 September and how women in sports is a growing media?

24          A     Yes, I'm very well aware of that. Because I was the  
25 person that put together the Run Jane Run with the women's,

1 wit the Oakland Women's Center. And both these women, Maryann  
2 Vasiliias (phonetic sp.) and Liz Winter I personally knew and  
3 had invited them on the show personally.

4 Q And you listened to the program?

5 A I was aware -- I was there when it was taped. Yes.  
6 And they talked about the abuse of women and how the  
7 organization was funded and why they were doing this event.  
8 I'm very well aware of that.

9 Q And, and you are aware of the content of that  
10 program.

11 A Yes, I'm very well aware of this. This was one of  
12 my pet charities.

13 Q Okay. With the next entry, Shelley Duffy and Ron  
14 Luciano talked about his life, the good old days of baseball  
15 and some of the changes the sport has undergone. How does  
16 that relate to an ascertained need?

17 A I don't know. I'm not familiar with that program.

18 Q And the next entry concerning Carl Yastrzemski.

19 A Um-hum.

20 Q Do you know if that relates to any particular  
21 ascertained need?

22 A Yes, I was there the day Carl was there. I'm a big  
23 Carl Yastrzemski fan. And I got a personal autograph from  
24 him. That, that show specifically had to do with his book  
25 coming out at the time.

1 Q But how does that meet an ascertained need? Was  
2 there a need in, in Pittsburgh --

3 A I don't know. I'm, I'm just explaining that I knew  
4 about that show. I, I don't know how that does.

5 Q Now the next entry concerning the general manager.

6 A Sid Thrift? Yes.

7 Q Yes.

8 A Man that brought baseball back to Pittsburgh.

9 Q Correct. How does that relate to an ascertained  
10 need?

11 MR. MILLER: Your Honor, before we go on too much  
12 longer, there seems to be a suggestion here that every  
13 program, every non-entertainment program broadcast by the  
14 station must be responsive to some specific ascertained need.  
15 I'm not aware of that requirement.

16 JUDGE LUTON: I don't know that any such suggestion  
17 is being made. The questions are being asked, and the witness  
18 is responding as best he can. When they do in his opinion  
19 respond to an ascertained need he says so. And when they  
20 don't he says he doesn't, he doesn't --

21 MR. MILLER: All right --

22 JUDGE LUTON: -- know the answer. I, I don't see  
23 any improper suggestion being made here.

24 WITNESS: I'll finish the answer on Sid Thrift. We  
25 have done ascertainments with all the Pirates managers. Mark