

1 Sour (phonetic sp.), Sid Thrift, Ken Boneflaik (phonetic sp.)
2 who is the current manager. We have also done ascertainments
3 with their marketing department.

4 And again, a city like Pittsburgh faces a huge
5 problem if the Pirates leave town. It's, it's a real dilemma
6 that in a city that's considered small by baseball standards
7 and that lost \$12 million, I can only speak for last year, but
8 has lost money almost every year that I've been in Pittsburgh,
9 and these problems are talked about by these general managers
10 of the club. They have been at ascertainments that I have
11 been with, and I definitely see that as an ascertained need
12 how to get people out to the ballpark.

13 Q And the next one, guests Eric Shapper (phonetic sp.)
14 and Jay Yiagang (phonetic sp.). Could you tell us how that
15 relates to an ascertained need?

16 A I'm going to think that that has to do with the
17 international bicycle race that's sponsored by Thrift Drugs
18 that's held every year. That's an endurance race. And I'm
19 sure those people were a part of it. And they were creating a
20 need for people to attend those events. Again it's, it
21 probably would fall maybe under entertainment more than sports
22 although, you know, it could fall under either category. It's
23 about getting people to Pittsburgh, getting tourism to
24 Pittsburgh and getting people to attend these events.

25 MR. ZAUNER: Your Honor, could I take a 1-minute

1 break at this point?

2 JUDGE LUTON: Yes.

3 (Off the record. Back on the record.)

4 JUDGE LUTON: Go ahead.

5 BY MR. ZAUNER:

6 Q The last one of these Streams in the Desert, the
7 guest was Herschel Walker. And again, the same question.
8 Could you tell us how that relates to an ascertained need?

9 A I don't know.

10 (Pause.)

11 Q Let me call your attention to the tab religion which
12 is page no. 590 where the ascertained needs are. Am I correct
13 that these are the needs that were ascertained during the
14 license renewal period by WBZZ concerning the subject of
15 religion?

16 A Yes, I would say that.

17 Q And you ascertained that cults are alive and
18 prospering in the Pittsburgh area?

19 A It was a big -- that was a big subject on all the
20 media.

21 Q And I guess the need to recognize church
22 contributions to the city of Pittsburgh and the homeless and
23 that the city is responsive to charity but not responsive to
24 justice. And talk about -- provides services for the
25 underprivileged members of the community.

1 Now, now let me call your attention to Exhibit No.
2 2, page 7. And that is a program called Master Control. And
3 it's -- can you tell us how that program related to the
4 ascertained needs, religious needs of the community of
5 Pittsburgh?

6 A What page? You're on page 7, Exhibit 2?

7 Q Yeah, page no. Roman numeral VII, 7, Exhibit No. 2.
8 And Master Control is a 30-minute program produced by the
9 Southern Baptist Radio and TV Commission.

10 A Um-hum.

11 Q I'm not really sure how long that program ran. I
12 have heard it in the past.

13 JUDGE LUTON: That's not the question, is it?

14 MR. ZAUNER: No.

15 BY MR. ZAUNER:

16 Q The, the question is how does it relate to the
17 ascertained needs that we just discussed?

18 A I don't know. It has to do with young people. It
19 has to do with moral issues. And I'm sure Satanism and things
20 like that I would put that under those topics.

21 Q But you don't know whether that program --

22 A No, I, I don't.

23 Q -- dealt with those subjects even?

24 A No, of course not. No.

25 Q Then I hate to have you flip back again. But if you

1 take a look at page 592 and the following, can you tell me
2 whether any of the programs listed under Master Control had
3 anything to do with the ascertained needs and problems of the
4 Pittsburgh community? If you don't know, please just say so.

5 A I'm just reading them. I -- it doesn't seem to be a
6 lot of issues on some of these shows. So I, I would say I
7 don't know.

8 Q Also take a look at under religion, Dialogue, the
9 guest was Chris Marion. Saw the eyes of a crucifix open on
10 Good Friday. Was that related to any particular need or
11 problem ascertained?

12 A No, again it was a, it was a big story. Had to do
13 with the west side of the Pittsburgh area. And it was a lead
14 story on most of the newscasts that week.

15 Q Going back to page 591, the guest was Jerry Falwell.
16 Did this have to do with any particular ascertained need or
17 problem in the community?

18 (Pause.)

19 A I don't know the answer to that. Well, one of
20 the -- in society that was supposed to come up in
21 ascertainment, abortion, teenage pregnancy, although it's not
22 mentioned in there. I would think those are pretty topical
23 subjects.

24 Q And let me ask you the same question about Dr.
25 Ronald A. Brauner (phonetic sp.). That's also on page 591.

1 A We've had many people from the Jewish community, the
2 Jewish Community Center in Pittsburgh speak at our
3 ascertainties, being interviewed for community leaders.
4 Without having the actual ascertainment in front of me, I
5 can't answer what they specifically said were the needs. But
6 I would think that would fall into the ascertainties, yes.

7 Q I, I think this may have been asked. If it has
8 been, I apologize. But on Exhibit No. 2, page no. Roman
9 numeral VII, the news and weather you indicate that WBZZ
10 broadcasts more than 4 hours of news and weather information
11 each week. Is that 4 hours an average during the renewal
12 period, or is it a consistent 4 hours every week during the
13 renewal period, or is it something else?

14 A I think it's an average. What I do is I check the
15 logs daily to make sure things are run and check off. And we
16 have our internal audit systems on those type of things. But
17 for example, and I can only speak for our radio station, every
18 once in a while you'll see a weather that's crossed off the
19 log in a, there's discrepancy made on the log. Then that
20 would be reconciled. So I think it's an average.

21 Q Let me turn to table 1 of Exhibit 2 which is page
22 no. Roman numeral IV. And that shows WBZZ PSAs. For 1984,
23 the number shown is 408. To your knowledge, is that for the
24 full year 1984, or is that only for the portion of the renewal
25 period that's in 1984?

1 A That's for a portion of the renewal period which
2 would be August 1st through the end of the year.

3 Q And let me ask you the same question with regard to
4 1991 data which shows a total of 3,816 PSAs broadcast. Is
5 that for the full year 1991, or is that only for the portion
6 of the renewal period --

7 A No, that's --

8 Q -- that was in 1991?

9 A That's up to the renewal period which would have
10 been the end of July.

11 MR. ZAUNER: Your Honor, I have no further
12 questions.

13 JUDGE LUTON: Redirect.

14 MR. MILLER: Thank you, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. MILLER:

17 Q What are the duties of the WBZZ traffic managers
18 during the past renewal period?

19 A The traffic director receives the actual sales order
20 from the sales department. That sales order is initialed by
21 the general manager, the sales manager and the business
22 manager. She makes an entry into the computer. She
23 reconciles the log, that simply being that if we're undersold
24 or oversold she goes into the physical order and actually
25 moves the commercials to the day part that they need to be

1 assigned to.

2 She enters continuity which is the copy that goes
3 into the radio station, assigns that a number. In turn works
4 with the production director of the radio station to make sure
5 that that is coordinated so everything flows evenly from sales
6 to traffic to programming.

7 She reconciles the log at the end of the month every
8 month. She monitors the number of avails that we have
9 available on a day-to-day basis. She works with the Columbine
10 (phonetic sp.) System which is the hardware and the software
11 that we use to print a daily log. And she also works with RCS
12 which is our database which tells us how far in advance that
13 we have numbers of units sold. It works on a 6-month period
14 of time. And she works very closely with the business
15 manager.

16 Q You had testified earlier about Hispanic employees
17 or the lack thereof at the station. In the course of checking
18 with WBZZ at lunch about the FCC forms 395, did you refresh
19 your memory about Hispanic employees at the station?

20 A Yes, I did.

21 Q In what respect?

22 A Our promotion director, Ginny Schoggins, I believe I
23 may have mentioned that name earlier, was our promotion
24 director and worked at the station in 1991. During that year
25 which was a recessionary year for radio and for us in general,

1 we had cutbacks at the radio station. And Ginny was one of
2 the persons that was let go. But she worked at the radio
3 station during that year. And we also had interviewed
4 Hispanics.

5 Q What -- and what ethnic group did that individual
6 fall into?

7 A Ginny Schoggins was Hispanic.

8 Q You at one point sought to clarify, or expand upon I
9 guess would be the better word, your testimony about the
10 relationship of some of the music in the non-entertainment
11 programming to the responsiveness of the programming to
12 issues. Would you care to do that now?

13 A Yes. The first thing I wanted to say about that is
14 you don't dissect a program whether it's a television program
15 or whether it's a radio program and say Seinfeld does 22
16 minutes of acting, and there's an intro. of 5 seconds of music
17 and an outro (phonetic sp.) of 5 seconds of music. First of
18 all, it's an entire program. And whatever that show runs, 27
19 or 28 minutes, you consider that a program.

20 The public affairs programming, intros and outros
21 are used musically on those programs on a, on a daily basis.
22 And being a former program director, I'm very cognizant of
23 that. To attract a youthful audience or a 12 to 34 audience
24 which the station must have to survive in the ratings, music
25 is used in these shows.

1 But music is highly socialized. I mean if you do
2 any kind of study about any period of time or there are
3 reflections of music in society. And music reflects what
4 society is doing or saying at the present time. And music is
5 very, very important to these programs. And especially when
6 you're discussing an issue. We can all go back and name songs
7 that had to do with the issues in society. And everything
8 from rap music of today to the element of music when I started
9 out when I was 15 years of age in 1961. So music is very
10 important to those programs. And to attract youth and just
11 talk on the radio about some topic, you're not going to get
12 any audience with that.

13 Q Thank you, sir. As I understand your testimony,
14 there are periods during the day when the station presents no
15 regularly scheduled news programs. What if anything does WBZZ
16 do if there is a breaking news story during those periods?

17 A Well, we do a news update which is logged on our
18 program log. And it would have to do with an important local
19 or national or international story. I can cite many examples
20 of where we have broken in and done newscasts and continual
21 updates on a day-to-day basis.

22 This may sound funny when I started out, but one of
23 the big things that happened I believe it was in 1989 was a
24 huge banana truck hit the Fort Pitt tunnel and completely
25 blocked it. The truck was too high for the tunnel. If, if

1 you know anything about Pittsburgh, it's a city where streets
2 don't go from one end of the city to the other. It's divided
3 by the three rivers. It's a city where streets end, and you
4 have to take alternate routes. That happened at approximately
5 4:30 in the morning which we had a news reporter out there.
6 We did actual feeds. We gave alternate routes to use. Still
7 the city was in a complete turmoil for almost until 11 or 12
8 o'clock in the morning. Same thing happened when the Liberty
9 Tunnel or the Liberty Tubes as they refer to them in
10 Pittsburgh fell down and hit a car and actually blocked the
11 entire city.

12 The drug stories that we talked about with the
13 Pittsburgh Pirates where people were going to jail, being
14 subpoenaed, we did break-ins on that. We did break-ins on the
15 Gulf War crisis. So if it's a highly -- unfortunate it may be
16 that we have a 78-year-old mayor, but if Sophie Masloff dies
17 tomorrow, that's going to be a lead story. And we're not
18 going to wait until tomorrow morning to put it on the air.
19 We're going to have it on the air with updates as we go along.

20 Q When the former mayor of Pittsburgh died and was
21 replaced by Ms. Masloff --

22 A Dick Kalijerie (phonetic sp.)?

23 Q Yes. Was there coverage of that?

24 A Yes, there was. There was also coverage of when
25 Senator Hines tragically died in the plane crash in

1 Philadelphia. The Hines family is probably one of the high
2 profile families in the Pittsburgh area along with the
3 Carnegies and the Mellons. And that was a continual story
4 with the news update. Those are things that come to mind
5 right off the top of my head.

6 Q Thank you, sir. You referred in your direct
7 testimony to certain numbers of minutes of news programming
8 broadcast each week. Were these non-regularly scheduled news
9 segments included in that count?

10 A I don't believe they were. Because you'd have to go
11 through the log and be specifically looking for something that
12 was written and it's called a discrepancy even though it
13 wasn't. It would be on the front page of the log. And those
14 are things that I initial every day and probably see. But
15 somebody that was putting this together may not.

16 Q The quantifications that you testified to in
17 response to questions on cross-examination, so many minutes of
18 news at specific times did not, however, include the non-
19 regularly scheduled news program. Correct?

20 A No, it did not.

21 Q Thank you, sir. Would you take a look at WBZZ
22 Exhibit No. 2, page 2, paragraph 2. Would you focus on the
23 word representative at the top?

24 A Which, which paragraph are you on?

25 Q I'm talking -- there's a horizontal line at about 1

1 | inch from the top of the page. You see that?

2 | UNIDENTIFIED SPEAKER: Which page number is that?

3 | MR. MILLER: This is the Arabic 2, not the Roman II.

4 | WITNESS: Oh. I'm pretty close. Hold on.

5 | MR. MILLER: Your Honor --

6 | JUDGE LUTON: Yes.

7 | MR. MILLER: Approach the witness, Your Honor.

8 | JUDGE LUTON: Of course.

9 | BY MR. MILLER:

10 | Q What if anything does the word representative in
11 | front of the words WBZZ ascertained in the community needs
12 | mean in your opinion, sir?

13 | A It means that we try to represent the community
14 | needs on the radio station. We tried -- I'm sorry to use the
15 | same word, that we try to be -- we try to mirror what we feel
16 | the community needs are. And these are what we have done and
17 | tried to be as accurate as possible with in the past.

18 | Q Are the -- in the specific ascertainment recorded in
19 | this exhibit all of the community ascertainment conducted by
20 | WBZZ over this 7-year-period?

21 | A No.

22 | MR. ZAUNER: Point of information on that particular
23 | issue which yielded needs and problems concerning the specific
24 | issue that's listed, is that correct on your question?

25 | MR. MILLER: I'd ask your question if I understood

1 it.

2 MR. ZAUNER: I'm sorry to interrupt, Your Honor.

3 JUDGE LUTON: All right. Go ahead.

4 MR. MILLER: If, if Bureau counsel wants to propose
5 a question on that at this point, Your Honor, I certainly have
6 no objection.

7 MR. ZAUNER: Your Honor, my, my sole concern was
8 that the question wasn't totally complete. And I think that
9 what Mr. Miller meant to ask was whether the needs
10 ascertained, whether the list of needs ascertained contained
11 in Exhibit No. 2, were all of the needs ascertained concerning
12 the problem of aging --

13 MR. MILLER: I was using this, this one essentially
14 as an icon for all the others. The heading at the top of all
15 of them, Mr. Zauner, is representative --

16 MR. ZAUNER: I saw --

17 MR. MILLER: -- ascertainment issues. And my
18 question was focused not only on aging but all of the
19 ascertainment interviews on aging and are all of the
20 ascertainment interviews on agriculture and business and labor
21 reflected in here. And I believe the witness has answer
22 was --

23 JUDGE LUTON: Was no.

24 MR. ZAUNER: Thank you. I understand, Your Honor.

25 BY MR. MILLER:

1 Q So, so there's more than this.

2 A Yes, there is.

3 Q Roughly how many ascertainment interviews are
4 conducted on your choice weekly, monthly, yearly basis?

5 A I think a better way to describe it would probably
6 be quarterly. That would be something that I, I think is a
7 little easier. And the question would be answered somewhere
8 between 30 and 55 community leaders.

9 Q Per quarter.

10 A Per quarter.

11 Q And that's typical -- or is that typical --

12 A Yes, that's very typical.

13 Q To what extent if at all does WBZZ attempt to
14 respond to issues that transcend the purely local?

15 A I didn't get the thing before local.

16 Q To what extent if at all does WBZZ attempt to
17 respond to issues that go beyond purely local such as
18 regional, statewide, national, international issues?

19 A Again, those come in, some of the nationally
20 produced programs that we receive and air in our public
21 affairs programming. And primarily it's local. I would say
22 60 to 70 percent is local. The rest is maybe national and
23 international. And it depends on what's, what's actually
24 happening at the time.

25 Q What is, what is 60 percent, sir? The -- your

1 | local, your local programming is 60 percent local, or all of
2 | your programming is 60 percent --

3 | A Let me just try to breakdown a newscast and the
4 | Pittsburgh Opinion. I would think that that's somewhere
5 | around 60 percent, 70 percent. It depends on what's happening
6 | that day.

7 | Q Should it surprise us if we were to look through
8 | Exhibit No. 2 and find some Pittsburgh Opinion questions that
9 | deal with international issues or --

10 | A Oh, no. No, not at all. We'll ask questions about
11 | President Clinton and Somalia and the embargo on Haiti. It
12 | depends on what's topical.

13 | Q And should it surprise us if we were to find some
14 | Dialogue programs or some news interviews in Exhibit No. 2
15 | that focus on international or, or national concerns as
16 | distinguished from purely local Pittsburgh concerns?

17 | A No. I mean I, I don't think you can say if you do a
18 | program on a certain disease whether it's muscular dystrophy
19 | that that's entirely a local issue. It's something that
20 | affects people all across the United States or the world. So
21 | you could say well, does that have national or local flavor
22 | for somebody that has muscular dystrophy or know somebody that
23 | has muscular dystrophy, it certainly has a local flavor about
24 | it.

25 | But we'll interview authors that are very popular

1 that are very hot. You know, we search out for these people.

2 Q And would the same answer be applicable to issues
3 dealt with on your syndicated programming like Power Line for
4 example?

5 A Sure.

6 Q There are --

7 A There are national issues that affect everybody. I
8 mean and I realize some of them don't affect it may appear
9 anyone or anyone that has such a niche type thing. But you do
10 the very best that you can in getting these programs airing.

11 Q Even people in Pittsburgh.

12 A Even people in Pittsburgh.

13 MR. MILLER: I have no further questions, Your
14 Honor.

15 JUDGE LUTON: Recross.

16 MR. BERFIELD: I have no questions, Your Honor.

17 MR. ZAUNER: I have no questions, Your Honor.

18 JUDGE LUTON: Okay. Thank you, Mr. Meyer. Nice to
19 have met you.

20 WITNESS: Nice to meet you.

21 JUDGE LUTON: We'll stop for today. And tomorrow
22 we've got Mr. Box and Mr. Kellar. Like to try them both
23 tomorrow?

24 MR. BERFIELD: I think we'll be able to do that,
25 Your Honor.

1 JUDGE LUTON: All right.

2 MR. MILLER: Should I -- we should assume from that
3 that Allegheny wants to examine Mr. Kellar as well as Mr. Box?

4 MR. BERFIELD: Yes. I, I would like to have Mr.
5 Kellar standing by. I think the likelihood is we will, yes.

6 MR. MILLER: Thank you.

7 JUDGE LUTON: Okay. And --

8 MR. MILLER: Your Honor, one other thing. I believe
9 we were to learn as soon as possible about Allegheny's
10 intentions with respect to the community witnesses out in
11 Pittsburgh.

12 JUDGE LUTON: Allegheny.

13 MR. BERFIELD: I'll be able to make an announcement
14 at conclusion of the testimony of Mr. Kellar and Box.

15 JUDGE LUTON: Okay. We'll wait until then. All
16 right, then. We'll be in recess then until 9:30 tomorrow
17 morning.

18 (Whereupon, at 3:50 p.m., the hearing was recessed.)

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CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

APPLICATIONS OF EZ COMMUNICATIONS, INC.
Name AND ALLEGHENY COMMUNICATIONS GROUP, INC.

MM DOCKET NO. 93-88
Docket No.

WASHINGTON, D.C.
Place

OCTOBER 26, 1993
Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 152 through 292, inclusive, are the true, accurate and complete transcript prepared from the reporting by BARBARA J. LORD in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

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