

1 | thought the understanding was that we were not going to go
2 | through these until they were ready to be introduced into
3 | evidence.

4 | JUDGE SIPPEL: I, I, I am not going to permit any
5 | more questions on this document until, until I'm provided a
6 | copy with which the witness is being shown and so that
7 | everybody knows what it is that you're talking to her about.

8 | MS. SCHMELTZER: Fine.

9 | JUDGE SIPPEL: Because this, this record is just not
10 | going to reflect what it is that you're developing here.

11 | MR. HOWARD: Your Honor, I move to strike the
12 | testimony that was in response to the documents as having been
13 | elicited from an improper presentation of materials that are
14 | not in evidence.

15 | JUDGE SIPPEL: Well, I'll, I'll, I'll, I'll defer my
16 | ruling on that with respect to how this whole line is going to
17 | be treated till she brings in the copies and we see if this
18 | can be properly pieced together.

19 | MR. HOWARD: Yes, sir.

20 | JUDGE SIPPEL: But I can't -- I mean, I, I --
21 | There's no way that I can follow a line of questioning like
22 | that without having the information in front of me while the
23 | witness is going through it, or I'm guessing what it is that
24 | you're doing. Can you move to another area? And then we can
25 | come back to that later.

1 MS. SCHMELTZER: All right.

2 BY MS. SCHMELTZER:

3 Q Now, Ms. Barr, you also say on that same page of
4 your testimony that beginning September 16th WMAR-TV
5 effectuated an expansion of its early, of its early news
6 programming. Is that correct?

7 A That's correct.

8 JUDGE SIPPEL: What year is that?

9 THE WITNESS: That was in 1991.

10 JUDGE SIPPEL: All right.

11 BY MS. SCHMELTZER:

12 Q And that occurred on September 16th?

13 A That's correct.

14 Q Now, am I correct that prior to September 16th you
15 had a news program from 6:30 to 7 a.m.?

16 A That is correct.

17 Q Okay. And, and --

18 A The local news program.

19 Q That was the local news program. And from 6 to
20 6:30 a.m. you ran the "NBC News at Sunrise." Is that correct?

21 A Yes, it is.

22 Q And so the expansion was actually -- you deleted the
23 "NBC News at Sunrise" from 6 to 6:30 and started your local
24 news at 5:30 a.m. Is that right?

25 A Yes, that is correct.

1 Q Were you involved in that expansion of the local
2 news?

3 A Yes, I was.

4 Q You personally?

5 A Yes, I was.

6 Q Was there any discussion with anyone about the fact
7 that -- Let, let me ask you this first. Do you know what the
8 term "grave yard hours" means?

9 A I know what the term "grave yard shift" means.

10 Q Well, do you know what the term "grave yard hours"
11 means in terms of programming?

12 A I've not heard that expression before.

13 Q You have not heard that expression?

14 A No, I have not.

15 Q So no one's ever told you that 12 midnight to 6 a.m.
16 was considered grave yard hours?

17 A I've not heard that expression before.

18 Q And I take it you never had any discussion with
19 anyone about the fact that the expansion of the local news was
20 going to be into grave yard hours?

21 MR. HOWARD: Well, I --

22 JUDGE SIPPEL: I sustain the objection. You're
23 going to have to come at this a little different way,
24 Ms. Schmeltzer.

25 BY MS. SCHMELTZER:

1 Q Was this an expansion that actually had been
2 considered as far back as 1990?

3 A We had been talking about expanding the morning news
4 for quite some time.

5 Q And that was under Gillette, it was first raised
6 under Gillette, wasn't it?

7 A Yes, it was.

8 Q And you have submitted an exhibit to show the
9 newscast on WMAR-TV that covers the period September 23 to
10 September 29th. That period includes your expanded morning
11 news, doesn't it?

12 A Could you tell me what exhibit you're referring to?

13 Q I'm referring to page 5 of the exhibit that's right
14 in front of you, the following page.

15 JUDGE SIPPEL: This is her testimonial exhibit?

16 MS. SCHMELTZER: Right.

17 THE WITNESS: I'm sorry, which part of page 5 are
18 you referring to?

19 BY MS. SCHMELTZER:

20 Q The top of page 5.

21 A Oh, yes, the reference to an exhibit.

22 Q Right. The period of time that is in your
23 Attachment C, which is the, the schedule -- the showing
24 concerning WMAR-TV's newscast, that period of time, September
25 23 to, to September 29, is after the morning newscast was

1 expanded?

2 A That's correct.

3 Q Did you make any attempt to -- Strike that. Now,
4 let me also ask you this, Ms. Barr. You -- The -- You
5 analyzed WMAR-TV's news and public affairs based on these
6 schedules that we've previously talked about --

7 A Yes.

8 Q -- and nothing else, correct? Just based on the
9 schedule?

10 A Based on those schedules for the analysis that we
11 did, yes.

12 JUDGE SIPPEL: Are those schedules in the record?

13 MS. SCHMELTZER: Yes, they're Attachment A --

14 JUDGE SIPPEL: All right.

15 MS. SCHMELTZER: -- to her exhibit.

16 BY MS. SCHMELTZER:

17 Q What did you use to analyze the programming of the
18 other stations there in your exhibit?

19 A Which exhibit are you referring to?

20 Q I'm referring to Attachment C.

21 A Do you want me to answer that question?

22 Q Did you use the TV Guide, is that what you used?

23 A Yes, I did.

24 Q Okay. And the daily program schedules for WMAR-TV,
25 those were current as of June 30th, correct? Or as of the --

1 Those were -- Those are the, the last bit of information that
2 is printed out before the programs run?

3 A Which -- What are you referring to?

4 Q The, the program schedules that you used to do the
5 calculations for WMAR-TV.

6 A Exhibit A?

7 Q Exhibit A, right. Isn't that programming that's
8 done right before broadcast? That, that schedule is --

9 A No.

10 Q -- updated until right before --

11 A That schedule is actually updated in the end of the
12 month. So it is, it is actually a record of what actually ran
13 as opposed to what was scheduled and may not have run.

14 Q And what's in TV Guide is what's scheduled but not
15 necessarily what's run?

16 A That's correct.

17 Q So you were analyzing your station's performance on
18 the basis of an updated set of records and you were analyzing
19 the other stations in the market on the basis of published
20 information but not necessarily what ran?

21 A That's correct.

22 Q When you expanded the morning news program to
23 5:30 a.m., did the station obtain extra commercial
24 availabilities as a result?

25 A Yes.

1 Q In fact, do you know how much time the network had
2 in that 6 to 6:30 slot?

3 A How much commercial time?

4 Q How much commercial time the network had?

5 A No, I do not.

6 Q But it was -- If I told you it was three-and-a-half
7 minutes, would that sound approximately right to you?

8 A For a half an hour?

9 Q Right.

10 A That's possible, yes.

11 Q So when you expanded the local news, you received
12 all of that time that previously had been available to the
13 network. Isn't that correct?

14 A Because it was local news, yes.

15 Q Right. So you had more commercial availabilities in
16 that time period?

17 A Yes, we did.

18 Q Now, is your morning news show, is that all news?

19 A It is a news program.

20 Q And when you did your tabulations on what was news,
21 you considered the whole morning news show as news?

22 A That's correct.

23 MS. SCHMELTZER: I'd like to have marked as an
24 exhibit -- And can you tell me just where we are, Your Honor?

25 JUDGE SIPPEL: You mean in terms of your exhibit

1 numbers?

2 MS. SCHMELTZER: Yes, right. I think five is the
3 letters which have not been received yet. I think this would
4 be six.

5 JUDGE SIPPEL: I have -- The last, the last Four
6 Jacks documentary evidence came in as Exhibit 4 back in
7 October.

8 MS. SCHMELTZER: Right. And then we have five,
9 which are the letters from the public.

10 JUDGE SIPPEL: So you want, you want to use Number 6
11 on these?

12 MS. SCHMELTZER: I'd like to use six, right.

13 JUDGE SIPPEL: All right. Be sure that the reporter
14 gets the copies and that everybody gets a copy before we start
15 the questions. Do you want to state what this is for the
16 record?

17 MS. SCHMELTZER: This is a document that was turned
18 over to us in discovery. It's dated 7/19/91 and it's entitled
19 "Morning News."

20 BY MS. SCHMELTZER:

21 Q Do you recognize this document, Ms. Barr?

22 A Yes, I do.

23 Q Is that your handwriting?

24 A Yes, it is.

25 Q And if you would look down at --

1 JUDGE SIPPEL: Hold it just a minute. I'm going to
2 have the reporter mark this for identification as Four Jacks
3 Number 6 for identification.

4 (Whereupon, the document referred to
5 as Four Jacks Exhibit No. 6 was
6 marked for identification.)

7 JUDGE SIPPEL: The witness has identified it as
8 something that she's familiar with and you were about to
9 direct her to someplace on the document.

10 MS. SCHMELTZER: Right.

11 BY MS. SCHMELTZER:

12 Q Is this something that you actually drafted?

13 A These are my notes.

14 Q Those are your notes?

15 A Yes.

16 Q And if you would look at Number 1, it says "News
17 show with entertainment, interesting feature, gossipy
18 entertain news." Is that the kind of news that you envisioned
19 would be in this expanded morning newscast?

20 A These were notes that I took in July of 1991 when we
21 were planning what this show was going to be like. So these
22 were my personal notes as to just a type of, of newscast.

23 Q As to what the show would be like?

24 A Yeah.

25 MS. SCHMELTZER: Your Honor, I would ask that Four

1 Jacks Exhibit 6 be received in evidence.

2 JUDGE SIPPEL: Any objection?

3 MR. HOWARD: No, Your Honor.

4 MR. ZAUNER: Your Honor, I'd like a statement as to
5 the purpose.

6 MS. SCHMELTZER: To show the nature of the expanded
7 morning news.

8 MR. ZAUNER: Your Honor, my understanding is that we
9 weren't going to go into segment programs and that this seems
10 to be what this is directed towards. In fact, this is a news
11 program and whether it has gossipy or entertaining news or --
12 is just irrelevant.

13 JUDGE SIPPEL: Well, it, it does relate to the
14 witness's testimony with respect to the expanded news service.

15 MR. ZAUNER: Yes, but that doesn't mean it's
16 relevant.

17 JUDGE SIPPEL: Well, to the extent that the expanded
18 news segment of her testimony is relevant, it is relevant.
19 It's a question of what weight to accord to it.

20 MR. ZAUNER: I'm not talking about segments in terms
21 of half hours. I'm talking about segments within the program.
22 Whether a segment was gossipy news, whether a segment was
23 feature news, a segment was -- pardon the word -- interesting
24 news, is not the kind of thing that we're concerned with.
25 This was in the news program and the format within the news

1 program, whether it was gossipy or entertainment news or
2 interesting news, is not a relevant consideration.

3 The Commission doesn't evaluate news programs
4 qualitatively. In fact, Kathy Schmeltzer herself said that we
5 should not go into qualitative evaluations of news programs.

6 JUDGE SIPPEL: Can you just -- Well, let me hear
7 from you, Ms. Schmeltzer. The, the Bureau is saying that this
8 is qualitative evidence, we shouldn't be, we shouldn't be
9 looking at it.

10 MS. SCHMELTZER: Well, there is -- Your Honor, we
11 have a, a continuing argument that not all of the "Today Show"
12 should be feature -- should be counted as news because it
13 includes feature items and, and other things. And I, I think
14 that the -- showing the nature of this expanded newscast
15 relates to that. It also relates to just what Scripps Howard
16 was doing. They've made a big argument that this was news
17 that they were running from 5:30 in the morning, and we think
18 this document suggests otherwise.

19 JUDGE SIPPEL: All right. I -- Now, I, I gave a
20 very, I gave a very narrow ruling with -- when we -- in the
21 witness's absence with respect to, with respect to A, my, my
22 ruling as a matter of law with respect to this "Today Show"
23 programming vis a vis what might be permitted on cross
24 examination, and I'm going to stick to that. This does seem
25 to me to be going too far afield. I don't want to say -- I, I

1 don't want to address the, the, the bottom line merits of what
2 Mr. Zauner said, but I do think that this is getting into this
3 area of qualifying the type of news as opposed to being an
4 inconsistent statement.

5 Now, you made the point with the witness. You've
6 got this marked as an exhibit. My ruling is is that it's not
7 relevant and I'm going to reject it, but you -- it goes with,
8 it goes with the transcript as a rejected exhibit. I take it
9 that was the nature of your objection, that you object to its
10 receipt into evidence?

11 MR. ZAUNER: Correct, Your Honor.

12 MS. SCHMELTZER: We would also argue, Your Honor,
13 under the Tri-State case which we cited and which Mr. Zauner
14 mentioned there was a consideration of just whether certain
15 things constituted news. And, and the ALJ considered that.
16 The case was ultimately affirmed by the review board and all
17 of that information went in the record. So I think it's
18 relevant under that case as well.

19 JUDGE SIPPEL: Mr. Zauner?

20 MR. ZAUNER: Your Honor, just for one thing. My
21 recollection of the Tri-State case is that that was -- Maybe
22 if I could -- I have so much paper on my desk at the moment.
23 But my recollection is that, first of all, it wasn't an ALJ
24 case. Second of all, it was done at a time when stations were
25 required to keep logs and the logging rules specified how

1 programs should be logged. And the ALJ felt that the licensee
2 could not now disavow its own logging under those
3 circumstances where it was required to keep log and the
4 requiring definitions were set forth by this agency.

5 This is not the case now. Stations are no longer
6 required to keep logs. And I still don't understand what all
7 this has to do with the fact that we're now apparently getting
8 into qualitative characterizations of segments of the news
9 program, and I think your, your ruling as stated is absolutely
10 correct and we shouldn't be rearguing it.

11 MS. SCHMELTZER: But, Your Honor, just because the
12 program logs were done away with doesn't change the basic
13 definition of news, and that would still be relevant under
14 present criteria.

15 JUDGE SIPPEL: Well, as I said, I, I, I have been
16 permitting -- For a very narrow evidentiary reason on cross
17 examination, I've been permitting this line of questioning.
18 But I am not -- Now that I see this in the form of these
19 notes, I, I don't want to get distracted into the, into the
20 posture where Scripps Howard has to come back and explain what
21 they meant by entertainment news and redirect this witness
22 down this road. This could expand the scope of this hearing
23 considerably. And it gets into qualitative areas that I don't
24 feel myself qualified to get into.

25 MS. SCHMELTZER: I don't plan to go into it further.

1 the, to the text or the footnote and say this is your
2 testimony, is it not, and then ask your follow up. Do you
3 understand?

4 MR. LEADER: I'm not sure I do.

5 JUDGE SIPPEL: You're not sure you do. All right.
6 Well --

7 MR. LEADER: Isn't the purpose of cross examination
8 to test what the witness has said?

9 MS. SCHMELTZER: Including the footnotes, Your
10 Honor. The footnotes are definitely relevant.

11 MR. LEADER: I mean, isn't it appropriate here that
12 we determine what is news? I mean, I could, I could say, say
13 that anything is news. What's important is what the people
14 who indicate what news is understand what news is and that it
15 is news, that it's not something else.

16 JUDGE SIPPEL: Well, we, we've argued this before.
17 Now, I -- you have -- If you're going to -- What I'm -- I want
18 to repeat what I said before. Are you intending this to be a
19 test as to whether or not she can recall what's in this
20 transcript?

21 MS. SCHMELTZER: No. I want to establish, I want to
22 establish that they're counting, for purposes of this news
23 calculation, CNN news that's run from 2:30 a.m. to 5 a.m.

24 JUDGE SIPPEL: Well, then just refer her to that
25 point in her testimony where the subject of CNN news is so

1 that she can be, she can be looking at it while you're asking
2 her the question.

3 MS. SCHMELTZER: Okay.

4 BY MS. SCHMELTZER:

5 Q Ms. Barr, referring you to Footnote 1, which refers
6 to WMAR-TV's broadcast of "CNN Headline News," and you
7 included that in your calculation of the amount of broadcast
8 time that was devoted to news programming, correct?

9 A That is correct.

10 Q And during the week, "CNN Headline News" is run from
11 2:30 a.m. to 5 a.m. Is that correct?

12 A I believe those are --

13 Q If you look, if you look at --

14 A -- generally the hours, yes. On some occasions it
15 would -- the time that it would start would vary.

16 Q Is it fair to say that WMAR-TV's viewing audience is
17 the smallest from 2:30 a.m. to 5 a.m.?

18 MR. ZAUNER: Objection. Irrelevant. Also object to
19 the best evidence. Kathy Schmeltzer -- Mrs. Schmeltzer could
20 obtain copies of Arbitron ratings and submit them if she
21 wanted to.

22 MS. SCHMELTZER: Well, I'm asking the witness if
23 it's her understanding. She's --

24 JUDGE SIPPEL: Well, I'm going, I'm going to
25 overrule that objection because she's -- what, what is being

1 done here is she's obviously testing this witness with respect
2 to the credibility of the information that she's testifying
3 to. Now, within, within reason, she's entitled to do that.

4 MR. ZAUNER: I'm lost as to how this tests the
5 credibility, by asking her questions as to how many people
6 watch the news. I mean, it seems to me -- Well, how many
7 people are watching television at a particular hour of time?
8 I have no indication anywhere that the Commission has ever
9 considered that in determining renewal expectancy.

10 MS. SCHMELTZER: Well, they have considered grave
11 yard hours. You'll have to concede that.

12 MR. ZAUNER: Well, to the extent that that is true,
13 that's already in the record. This witness's estimate of how
14 many people are watching television during certain hours of
15 time is irrelevant.

16 JUDGE SIPPEL: Well, you've, you've already conceded
17 the relevancy of this -- what's been characterized as grave
18 yard testimony. And now you're saying that she can't -- Or
19 conceding that the witness has qualified her knowledge of that
20 terminology, the subject matter remains the same, does it not?

21 MR. ZAUNER: I thought the witness didn't even
22 understand it, never heard the term grave yard hours before.
23 That was her testimony. All that I am saying is that -- And
24 I'm not even aware of whether Mrs. Schmeltzer's statement is
25 true or not, that the Commission has in the past considered

1 | the hours at which time a program is presented. Assuming the
2 | fact in question, that it has, that is still a different
3 | question from the number of people who are viewing during any
4 | particular hours.

5 | And this witness also has not been qualified as an
6 | expert on the audience levels obtained by the station during
7 | any particular hour or not. We can assume as logical people
8 | that in fact the viewership is lower during those hours, and
9 | that may be what the Commission has done in the past. But I
10 | don't find this kind of evidence to be particularly probative
11 | of anything.

12 | JUDGE SIPPEL: I'll sustain the objection with
13 | respect to the witness being asked to answer the question with
14 | respect to the number of viewers at a particular hour. But
15 | she certainly can -- Now, maybe -- Mr. Zauner's disagreeing
16 | with you. I don't know. Do you have authority for the
17 | proposition that the Commission will look at the, at the hour
18 | segment with respect to --

19 | MS. SCHMELTZER: Yes, I do.

20 | JUDGE SIPPEL: Can you, can you cite it off the top
21 | of your head?

22 | MS. SCHMELTZER: I think it was referenced in Tri-
23 | State and I think in Cole's Broadcasting, a number of renewal
24 | cases.

25 | JUDGE SIPPEL: All right. I'll take a look at that.

1 If you can, rephrase the question.

2 MR. LEADER: WMJR.

3 MS. SCHMELTZER: The question was --

4 JUDGE SIPPEL: Can you rephrase the question with
5 respect to specificity about the number of people who are
6 watching at those hours? But you certainly can ask the
7 question with respect to --

8 MS. SCHMELTZER: Is it, is it fair --

9 JUDGE SIPPEL: -- to the hours.

10 BY MS. SCHMELTZER:

11 Q Is it fair to say that during the hours of 2:30 a.m.
12 to 5 a.m. WMAR-TV has fewer viewers than at other hours during
13 the day?

14 A Yes, it's fair to say that.

15 Q Now, you also in your calculations, Ms. Barr, said
16 that in calculating that WMAR-TV dedicated over 35 percent of
17 its broadcast time to news and public affairs. You mention
18 public affairs. What public affairs programs did you count in
19 arriving at that calculation?

20 A I looked at the local public affairs programs that
21 we produce on a weekly basis.

22 Q And, and which ones are those, specifically?

23 A "Front Page", "To the Point", "With Every Voice".
24 Those are the, those are the three that I recall specifically.

25 Q So do you know if any other public affairs programs

1 were included in that calculation?

2 A What I did not include in the calculation were any
3 of the programs that we carry on a daily -- on a weekday
4 basis, Monday through Friday, programs like "Donahue" or "The
5 Oprah Winfrey Show", which from time to time cover topics that
6 would be public affairs in nature which we chose -- I chose
7 not to include those just, just to sort of err on the side of
8 being conservative about the estimate.

9 Q Now, "Front Page", is that the program that's hosted
10 by Mr. Ron Shapiro?

11 A Yes, it is.

12 Q And he's a local Baltimore attorney?

13 A Yes, he is.

14 Q He's also a sports agent. Is that correct?

15 A That's correct.

16 Q And does Mr. Shapiro have his own producer in
17 connection with that program?

18 A We have a producer at WMAR-TV who is assigned to
19 that program.

20 Q Does Mr. Shapiro also have his own producer?

21 A No, he does not.

22 Q But Mr. Shapiro has a say in what's covered on that
23 program, doesn't he?

24 A Yes.

25 Q In fact, he has significant input into the program,

1 | doesn't he?

2 | A I would say that he has, he has input, just as the
3 | producer has input and that I have input.

4 | Q What's the time frame between the taping of
5 | Mr. Shapiro's program and the decision as to what's going to
6 | be covered on that program?

7 | A It, it, it varies. I don't know specifically when
8 | we taped the show back in 1991. I know that currently we tape
9 | the show on Friday mornings.

10 | Q But you don't know in 1991?

11 | A I don't recall. It wouldn't have been any more than
12 | three days prior.

13 | Q Did you include "Postcards From Western Maryland" as
14 | a public affairs program in arriving at your 35 percent
15 | calculation?

16 | A Yes, I believe I did.

17 | Q That program sometimes covers counties that are not
18 | even in WMAR-TV's viewing audience, doesn't it?

19 | A That, that program was a special, so it, it was a
20 | program that -- While it aired a couple of times, it was
21 | produced once. The reason why I included that in the
22 | calculations is because that program, while it covered the
23 | Governor's tour of Western Maryland, Western Maryland and
24 | its -- the entire region of Western Maryland has a great deal
25 | of impact on the Baltimore Metropolitan area. And, likewise,

1 the Baltimore Metropolitan area impacts Western Maryland.

2 So there was significant interest in and impact on
3 our viewing audience as to what goes on in the western part of
4 the state.

5 Q Well, how is your viewing audience impacted by what
6 goes on in Western Maryland?

7 A Well, first of all, there are a great number of
8 people who do business and vacation in Western Maryland.
9 Western Maryland is a very viable part of the state and,
10 therefore, what goes on in Western Maryland is of import to
11 people who live in the metropolitan area.

12 Q So if there was some program about Northern Virginia
13 and people vacationed in Northern Virginia, would you consider
14 that a local public affairs program?

15 A I wasn't specifically referring to vacationing. I
16 was talking about doing business in and --

17 Q Well, some Baltimore companies may have related
18 businesses in Northern Virginia. Would that make a program,
19 "Postcards from Northern Virginia," relevant to the Baltimore
20 market?

21 A I don't know.

22 Q So -- But you decided to count "Postcards from
23 Western Maryland" as local public affairs?

24 A Yes.

25 Q Now, "Front Page" airs on Saturday evenings and then

1 it's repeated on Sunday mornings?

2 A That's correct.

3 Q Sometimes is it pre-empted on Saturday evening?

4 A Occasionally.

5 Q By sports events?

6 A Generally, it is pre-empted by other public affairs
7 programs. There may have been an occasion when it was pre-
8 empted by baseball or, or some other sporting event.

9 Q During 1991?

10 A I would have to look at the program schedule.

11 Q But it is possible that that occurred?

12 A It's possible.

13 Q Did you consult with anyone about including
14 commercial inventory in the time that you allotted to news and
15 public affairs programming?

16 A I discussed it with counsel.

17 Q Did you make any attempt to exclude commercial
18 inventory?

19 A No, I did not.

20 Q Now, if you will turn to page 7, SH3-7, paragraph
21 18. And that refers to PSA's that you, that you carry. Those
22 PSA's were not included in your 35 percent figure. Is that --

23 A Right. Right. Unless they -- Right.

24 Q Unless what?

25 A Unless they aired -- happen to have aired inside a

1 news program or public affairs program.

2 Q So to the extent that PSA's may have aired inside
3 public affairs and news programming, they were included in the
4 35 percent?

5 A Well, they weren't included in the sense that the
6 show was considered to be a 30-minute show. You asked me
7 before if we included commercial time. Some of that
8 commercial time was public, was public service time.

9 Q I see. Is that the reason that you decided to
10 include commercial time, because it included public service
11 announcements?

12 A No. I, I decided to include it because generally,
13 when talking about programs, it is common practice in the
14 industry to talk in terms of half hours and hours.

15 Q I'd like to refer you to your PSA exhibit. That's
16 Attachment I. If you'll turn to page SH3-0392.

17 MR. ZAUNER: What's that page again?

18 MS. SCHMELTZER: 0392.

19 JUDGE SIPPEL: Once more for me, please.

20 MS. SCHMELTZER: SH3-0392.

21 JUDGE SIPPEL: 0392.

22 MS. SCHMELTZER: Right.

23 BY MS. SCHMELTZER:

24 Q Now, that lists PSA's on May 30, 1991, correct?

25 A That's correct.

1 Q Okay. And if you -- And, in fact, that's the first
2 day of your schedule here. On the second line it says "WMAR-
3 TV editorial." Did you consider editorials as public service
4 announcements?

5 A I believe what happened in that particular case was
6 that the individual who was responsible for compiling all of
7 the information had, at my request, gone through the program
8 logs and had indicated everything that was logged as a public
9 service announcement. Generally, editorials are run
10 adjacent -- They're -- In two cases, editorials are run
11 subsequent to newscasts, and then in two other cases they are
12 run outside of newscasts. And she -- I don't know
13 specifically why she did that, but she chose -- I would have
14 to go back and look at the program log to tell you.

15 Q So you can't tell whether this editorial ran --
16 Well, it ran at 2:19 a.m.

17 A Right.

18 Q That, that wasn't during a newscast, was it?

19 A No, it was not during a newscast.

20 Q Not during a local newscast. When you -- Don't you
21 log editorials as editorial?

22 A Yes. I would have to look at a program log to
23 recall exactly how we log that.

24 Q Okay. But you don't normally log editorials as
25 PSA's, do you?