

1 Q To fill in something --

2 JUDGE SIPPEL: Wait. Let her finish her answer.

3 WITNESS: I don't, I don't -- I do not use it for  
4 any other purpose. I don't use it at all on long term  
5 programming.

6 MR. HOWARD: Thank you, Ms. Barr. Would you turn to  
7 Attachment O in your direct case testimony?

8 JUDGE SIPPEL: Would you tell me what long term  
9 programming is?

10 WITNESS: Sure. A program log contains every single  
11 thing that we air, whether it's a 30 second commercial or a  
12 half-hour program. The way the logs are put together the logs  
13 are essentially in a computer system. Programs are laid in,  
14 if you will, in the computer system and left there until such  
15 time as the program changes. It is the commercials and the  
16 promotional announcements and PSAs that change on a daily  
17 basis. Those are the things that really are moving around and  
18 shifting and changing. The program remains static until such  
19 time as the program is cancelled or, you know, shifted for  
20 time or so forth.

21 JUDGE SIPPEL: And those are the things that are  
22 called long term?

23 WITNESS: So when I refer to long term programming  
24 I'm talking about a long form program of 30 minutes, 60  
25 minute, 90 minutes, 2 hour program as opposed to what some

1 might refer to as a program which is a 30 second announcement.

2 JUDGE SIPPEL: Do you have another area, Mr. Howard?

3 MR. HOWARD: Yes, Your Honor.

4 BY MR. HOWARD:

5 Q Could you turn to Attachment O of your direct case?

6 A Okay.

7 Q Would you explain -- this is the equipment purchase  
8 exhibit. Would you explain the time periods for budgeting and  
9 -- is there a distinction between the budget decision and the  
10 purchase decision?

11 MS. SCHMELTZER: I'm going to object, Your Honor,  
12 because it seems to me that the time to explain that would  
13 have been in the direct case. This is not the time to, to  
14 repair the damage, so to speak, in terms of failure to explain  
15 it. It should have been in the direct case.

16 MR. HOWARD: Confusion was raised in -- in cross-  
17 examination when Ms. Schmeltzer addressed the issue. She  
18 asked a question of Ms. Barr on the issue assuming that this  
19 was all 1992 budget and I just want to get it clear what the  
20 --

21 JUDGE SIPPEL: Well, I remember it was gone into on  
22 cross-examination.

23 MR. HOWARD: This isn't going to take long, Your  
24 Honor.

25 JUDGE SIPPEL: I'm going to -- I'm going to overrule

1 the objection and permit it. Let's, let's hear the first  
2 question.

3 MR. HOWARD: Just -- there really is only one  
4 question, Your Honor.

5 JUDGE SIPPEL: No. This is --

6 MR. HOWARD: Can you explain --

7 JUDGE SIPPEL: I'm sorry. I didn't mean to  
8 interrupt you, but this question applies to Attachment O?

9 MR. HOWARD: Yes, Your Honor. Just to get the  
10 witness' attention to the, to the right memoranda that she may  
11 refer to --

12 JUDGE SIPPEL: Well, all right. Go ahead. You've  
13 answered my question.

14 MR. HOWARD: Would you explain the, the time periods  
15 or the distinction between -- let me start again. Would you  
16 explain the distinction between budgeting and purchasing with  
17 respect to this exhibit?

18 MS. SCHMELTZER: Are you referring us to a specific  
19 page?

20 MR. HOWARD: No.

21 JUDGE SIPPEL: No. He said -- he's referring to  
22 what is in Tab O and this is obviously a question that goes  
23 to, to methodology. It would be a general question applying  
24 throughout the documents, I take it.

25 BY MR. HOWARD:

1 Q Do you understand the question, Ms. Barr?

2 A Yes, I do. Tab O is a set of documents referring to  
3 the, the development of the 1992 capital budget. This was a  
4 process that was undertaken during the summer and fall of  
5 1991.

6 JUDGE SIPPEL: What does your -- what is your, what  
7 is your fiscal year?

8 WITNESS: It is a calendar year.

9 JUDGE SIPPEL: So this would be January of '92 to  
10 December of '92?

11 WITNESS: That's correct. The only extension,  
12 though, that needs to be made in this particular case is  
13 because we were purchased in June or in the end of May of  
14 1991, we really had little to no capital money that had been  
15 allocated to us by Gillette Broadcasting for 1991 because they  
16 were anticipating the sale so they had, understandably, not  
17 allocated a lot of money to be spent on capital expenditure.  
18 As a result, once the sale with Scripps Howard went through  
19 and we began reviewing what we had wanted to put in our  
20 capital budget for 1991 and what we subsequently needed for  
21 1992, they approved sort of en masse the 1992 budget and also  
22 allowed for certain items to be purchased in 1991. Yesterday  
23 I referred to this being the 1992 capital budget. It was  
24 technically the 1992 capital budget. There, however, were  
25 items that were approved and purchased in 1991 because Scripps

1 Howard wanted us to be able to get these items right away as  
2 opposed to waiting until the next calendar year.

3 JUDGE SIPPEL: And were they -- were those '91  
4 purchases, they would be off the '92 budget?

5 WITNESS: No. They were actually additional dollars  
6 that were allocated to us by Scripps Howard so that we could  
7 -- it was all done during the same budgeting process.

8 JUDGE SIPPEL: Allocated for '92 but you were  
9 authorized to --

10 WITNESS: Spend them in --

11 JUDGE SIPPEL: -- spend them in '91?

12 WITNESS: There were additional dollars that were  
13 allocated to us to spend in 1991 in addition to what we were  
14 approved for in 1992.

15 JUDGE SIPPEL: All right. I understand the general  
16 application of that.

17 WITNESS: It was all done at the same time.

18 JUDGE SIPPEL: I thought there might be some -- on  
19 the record as to the 1992 reference and I wanted to, to clear  
20 that up. Ms. Barr?

21 WITNESS: Correct.

22 MR. HOWARD: Did you want to ask another question,  
23 Your Honor?

24 JUDGE SIPPEL: No. I'm clear. I mean, I understand  
25 what you've said.

1 BY MR. HOWARD:

2 Q With respect to news and public affairs programming  
3 could you describe what input, if any, members of the general  
4 public had at WMAR during the renewal period?

5 A It was, it was the general practice -- it was my  
6 general practice and Arnie Kleiner's general practice and  
7 Janet Covington's general practice to discuss over the phone  
8 various and sundry issues that would come up with viewers. If  
9 they called us and specifically asked to talk about a specific  
10 program then we would do so. We were -- we tried to remain as  
11 accessible as possible to the general public so that if  
12 someone called and said I want to talk to someone in charge of  
13 programming or I want to talk to someone responsible for news  
14 they would be given that access to that individual. At that  
15 time then discussions could take a variety of twists and turns  
16 depending upon the individual and what their concerns were.  
17 But as a result that information was just more grist for the  
18 mill. It would go into our decisions to cover certain  
19 subjects.

20 Q Was there programming aired during the renewal  
21 period in which members of the public were encouraged to  
22 express views on issues of importance to the community?

23 A Well, there was a town meeting in the end of  
24 September in which the town meeting was really, in effect, a  
25 program responsive to issues that had been previously

1 | ascertained and at the same time it was in itself an  
2 | ascertainment because that town meeting used audiences that  
3 | were set up in several locations around the city in a live  
4 | format and allowed them the opportunity to speak out and talk  
5 | back about the subject of crime and violence.

6 |       Q     Finally, Ms. Barr, would you turn to Tab E of your  
7 | exhibit, page SH3-0226?

8 |       A     Yes.

9 |       Q     On cross-examination you were asked about this  
10 | humanitarian award, whether that was an issue and that was --  
11 | and you -- I believe you responded no. Would you -- is there  
12 | anything else you would like to tell about that category to  
13 | further explain how that came to be listed as a -- as an  
14 | identified issue in this exhibit?

15 |       A     The Fuel Fund of Central Maryland serves low income  
16 | individuals who cannot otherwise get fuel to heat their homes  
17 | in the winter. It deals -- the issue that was dealt with in  
18 | this particular case was both the issue of poverty and, to a  
19 | secondary degree, the issue of the elderly since many of the  
20 | people who cannot afford fuel -- sorry. I was being  
21 | distracted by the voices.

22 |               JUDGE SIPPEL: All right. Let's go off the record  
23 | for just a minute.

24 |               (Off the record.)

25 |               WITNESS: In a secondary sense it also dealt with

1 | the issue of the elderly since many elderly people cannot  
2 | afford sufficient heating fuel for their homes. And the  
3 | humanitarian award is given to an individual or individuals  
4 | each year whose, whose general attitudes and practices promote  
5 | a kind of volunteerism and public service that would help  
6 | further these types of causes. This particular year  
7 | Congressman Kweisi Mfume and Congressman Benjamin Cardin were  
8 | recognized for their individual contributions to the Baltimore  
9 | metropolitan area and their support of the Fuel Fund of  
10 | Central Maryland.

11 | BY MR. HOWARD:

12 | Q Thank you, Ms. Barr. Would you turn to the next  
13 | page? In cross-examination on the issue identified Services  
14 | for Elderly Population in Maryland it's my recollection you  
15 | were asked on this whether this was on the issues programs  
16 | list. Would you explain whether it -- would you -- is there  
17 | anything you'd like to explain about whether or not the  
18 | ascertainment went strictly to issues that were on the issues  
19 | programs list?

20 | A The issues programs list reflected what we believe  
21 | to be the significant representation of issues for the  
22 | community. It did not represent all of the issues. It was  
23 | what we refer to as the significant issues. The elderly --  
24 | service to the elderly and the issues that concern the  
25 | elderly, whether it be health care or poverty, etc., could

1 fall under really a lot of different categories that were on  
2 the issues programs list. But the thing to remember is that  
3 we do not list every single issue on the issues programs list.  
4 We list what we believe to be the most significant issues on  
5 the issues programs list.

6 Q Thank you, Ms. Barr.

7 MR. HOWARD: I have no further questions.

8 JUDGE SIPPEL: Any recross?

9 MS. SCHMELTZER: Yes, Your Honor. Just a moment.

10 JUDGE SIPPEL: Let's go off the record for a minute.

11 (Off the record.)

12 RE-CROSS-EXAMINATION

13 BY MS. SCHMELTZER:

14 Q I'd like to refer you to your deposition at page 132  
15 and 133.

16 A I don't think I have a copy of it.

17 MR. HOWARD: Do you have a copy?

18 WITNESS: I do not have a copy.

19 JUDGE SIPPEL: I have a copy up here. She can look  
20 at mine.

21 MS. SCHMELTZER: Okay.

22 MS. SCHMELTZER: And this is in connection with a  
23 question that Mr. Zauner asked you about how a particular  
24 program was responsive to a particular need. And what I'd  
25 like to do, Your Honor, is just read into the record what her

1 testimony was at the deposition. I can ask the question and  
2 have her read in the answer. This was in response to  
3 questions by Mr. Goldstein at the deposition.

4 JUDGE SIPPEL: Is it a short question and answer?

5 MS. SCHMELTZER: It goes on for about a page-and-a-  
6 half about the process.

7 MR. HOWARD: I object. This is to impeach? What's  
8 the, what's the purpose of the question?

9 JUDGE SIPPEL: Where does the question begin and  
10 where does it end at?

11 MS. SCHMELTZER: It begins at 132, line 11 and it  
12 ends at 134, line 2.

13 MR. HOWARD: Does this go back to the records issue  
14 yet again, Your Honor?

15 MS. SCHMELTZER: This goes to the process which is a  
16 question that Mr. Zauner raised on cross-examination.

17 JUDGE SIPPEL: Where does it end on 134?

18 MS. SCHMELTZER: On line -- page 134, line 2.

19 JUDGE SIPPEL: I'm not -- we're on the record. Back  
20 on the record. I find that -- I've read the question and  
21 answer and I find it to be repetitive of what's already been  
22 very well established on this record in terms of methodology.  
23 This isn't going to add anything so I'm not going to permit  
24 that question.

25 MS. SCHMELTZER: Mr. Zauner asked you a series of

1 | questions, Ms. Barr, about the ascertainment process and you  
2 | stated in response that you had some formal and informal  
3 | discussions with the station staff. Isn't it correct that  
4 | there was nothing written down concerning those formal and  
5 | informal discussions?

6 |           MR. HOWARD: Objection, Your Honor. This is  
7 | repetitive in the extreme. It's the exact same point yet  
8 | again. Was it written down?

9 |           JUDGE SIPPEL: I'm going to sustain the objection.  
10 | The record is, is -- this has been gone over enough.

11 |           MS. SCHMELTZER: Is it correct that a single  
12 | ascertainment interview that someone at the station had might  
13 | have resulted in more than one identified community issue?  
14 | Did that ever occur?

15 |           MR. ZAUNER: Objection. What does that have to do  
16 | with the cross-examination?

17 |           MS. SCHMELTZER: Well, you cross-examined her on the  
18 | process for obtaining the issues.

19 |           MR. ZAUNER: But what does that have to do with the  
20 | process?

21 |           JUDGE SIPPEL: Well, let's not get into a  
22 | discussion. I'm going to sustain the objection. I mean, it  
23 | -- because the answer to that question to me doesn't seem to  
24 | be material to anything we're determining here. The gut issue  
25 | here is whether or not the program met an ascertained issue.

1 MS. SCHMELTZER: And I'm trying to show that there  
2 wasn't any linkage, Your Honor, which is an important aspect  
3 of the process.

4 JUDGE SIPPEL: Well, I don't see where that question  
5 accomplishes that end. I really -- I just don't see that.  
6 I'm going to, I'm going to sustain the objection.

7 BY MS. SCHMELTZER:

8 Q The meetings that you held on Monday mornings, Ms.  
9 Barr, was that the Barr group?

10 A The 9:00 meetings on Monday mornings, yes.

11 Q The Barr group? Okay. And were there any documents  
12 that resulted from those meetings that listed ascertained  
13 community issues?

14 A No.

15 MR. ZAUNER: Objection, Your Honor.

16 MS. SCHMELTZER: She answered the question.

17 MR. ZAUNER: I was waiting for the --

18 WITNESS: The answer is no, there were not.

19 JUDGE SIPPEL: It's already been asked and answered.

20 MS. SCHMELTZER: How long have you been in the  
21 broadcasting business, Ms. Barr?

22 MR. ZAUNER: Objection. That goes well beyond the  
23 scope of the --

24 MS. SCHMELTZER: It's a preliminary question to  
25 another question.

1 MR. ZAUNER: I believe, Your Honor --

2 JUDGE SIPPEL: Mr. Zauner, hold it just a minute.

3 How does this relate to what was asked on, on redirect or --

4 MS. SCHMELTZER: It relates to the questions about  
5 the program log.

6 JUDGE SIPPEL: It relates to the questions about the  
7 program log? All right. I'll permit the initial one or two  
8 questions and then see if we have an objection. Go ahead.

9 BY MS. SCHMELTZER:

10 Q How long have you been in the broadcasting business,  
11 Ms. Barr?

12 A Almost 14 years.

13 Q And have you had occasion at other places where you  
14 worked to look at program logs?

15 A Yes, I have.

16 Q And I believe you testified in response to cross-  
17 examination by Mr. Zauner that the program types have been in  
18 existence a long time. Is that correct?

19 A At WMAR-TV.

20 Q Have you ever understood the category E to pertain  
21 to anything other than entertainment?

22 A I don't recall that the category E was used in any  
23 other station that I've worked in because I don't recall ever  
24 examining the categories for a program.

25 Q Did you ever examine the news programs before?

1 A Not with respect to the categories.

2 Q Does WMAR-TV have any kind of code that they put on  
3 their program logs?

4 A With respect to what?

5 Q Identifying the types?

6 A You mean a key system?

7 Q A key system.

8 A There is no key system.

9 Q Your counsel, I believe, asked you about Tab O to  
10 your exhibit.

11 JUDGE SIPPEL: Before you, before you pass on,  
12 there's no question that E on, on WMAR-TV's logs stands for  
13 entertainment, right?

14 WITNESS: Entertainment.

15 JUDGE SIPPEL: It's the literal interpretation.

16 WITNESS: That's the literal interpretation of it,  
17 yes.

18 JUDGE SIPPEL: Go ahead. Where are you? At Tab O?

19 MS. SCHMELTZER: Tab O.

20 WITNESS: Yes.

21 BY MS. SCHMELTZER:

22 Q Your client -- your attorney asked you some  
23 questions about the development of the 1992 capital budget?

24 A Yes.

25 Q If you would look at Tab O, does that show that the

1 documents that gave approval for those items were all signed  
2 during -- after September 3 of 1991, the documents that  
3 actually give approval?

4       A     Could you tell me which documents you're referring  
5 to?

6           MR. HOWARD: Your Honor, this is outside the scope  
7 of your -- the redirect where I just asked her about -- to  
8 explain the process of budgeting and purchasing.

9           MS. SCHMELTZER: I think it's directly within the  
10 scope.

11          JUDGE SIPPEL: Well, I think it's within the, it's  
12 within the scope.

13          MS. SCHMELTZER: I'm going to --

14          JUDGE SIPPEL: Are you -- let me see if I can move  
15 it along, though. You're on the first page of Tab O. Are you  
16 referring to these, to these handwritten dates next to each of  
17 the line items?

18          MS. SCHMELTZER: Well, I believe those handwritten  
19 dates are supported by the following pages and it would be  
20 pages 0920, 0921, 0922, 0923, 0924, 0925, and I believe those  
21 are the pages with dates. And -- oh, and finally, 0931 and  
22 0932, the last two pages.

23          BY MS. SCHMELTZER:

24          Q     Were those the pages that actually gave approval for  
25 the items requested?

1           A     No.  Actually the pages you're referring to 0920,  
2 21, 22, 23, 24, 25, those are what we refer to internally as  
3 CERs, Capital Equipment Requests.  Once the approval has been  
4 given generally for the purchase then those forms are filled  
5 out by the Chief Engineer and the approval for the specific  
6 piece of equipment -- this is where you actually get the  
7 approval to buy Sony versus Ampex or some other brand versus  
8 another brand.  The general approval has already been given.  
9 This is the specific approval.

10          Q     But the only general approval that could be given  
11 would be of a very preliminary nature?  Isn't that correct?  
12 Isn't this the first document that actually shows what  
13 equipment is being ordered?

14          A     No.  The actual first document is, is page 0919  
15 which is a memo from Warren Happel.  It says, "Re: Capital  
16 Budget Draft, 7/10/91," and if you will, if you will note  
17 along the side, there are, there are dates that are written in  
18 which indicate when these items would be actually purchased,  
19 and you can see that it says, "CER Sub."  That means Capital  
20 Equipment Request Submitted/Approved/Ordered and -- so that  
21 was -- the date this was sent was 7/10/91 from Warren.  Then  
22 later on Joe Bruno, who's the Chief Engineer, wrote in the  
23 actual date that the CER was submitted, approved and ordered  
24 and --

25          Q     Well, let me back up a minute.

1 JUDGE SIPPEL: Are you finished with your answer?

2 WITNESS: No. I wanted to add one more thing. At  
3 the bottom of the note from Warren Happel he said, "A formal  
4 list including these items will come from Ken McNamee." He  
5 was in the business office at Scripps Howard and he was --  
6 this is a -- an initial approval on capital equipment that we  
7 were going to purchase. As I stated yesterday, when we buy  
8 capital equipment it is generally a very expensive process so  
9 it is not something we we're going to get approval on at one  
10 time and then that's it. We're going to get approval  
11 conceptually or generally and then we're going to get approval  
12 specifically when we buy a piece of equipment.

13 MS. SCHMELTZER: Ms. Barr, do you have any knowledge  
14 as to when the notations in the column 11/91, 12/91, etc. were  
15 placed on this particular piece of paper?

16 MR. HOWARD: I believe this was raised on direct.  
17 It's -- and during the cross-examination.

18 JUDGE SIPPEL: It has been gone into in some detail.

19 MS. SCHMELTZER: Not this particular piece of --

20 MR. HOWARD: It's redundant to go over it again.

21 JUDGE SIPPEL: Yes, it was. Yes, it was. Yes, it  
22 was. I'll sustain the objection.

23 MS. SCHMELTZER: Ms. Barr, I take it that when it  
24 says 11 -- under item 4 when it says 11/91 that was the date  
25 of the Capital Equipment Request?

1 MR. HOWARD: Same objection, Your Honor. It's  
2 already gone in.

3 JUDGE SIPPEL: She did. She explained it. Even  
4 today she explained that.

5 BY MS. SCHMELTZER:

6 Q And this -- and that notation was made after 11/91?  
7 Correct?

8 A That notation -- actually that 11/91, I believe,  
9 would refer to the actual delivery date because if you look at  
10 the very next page with respect to two ENG vans equipped. and  
11 that's item number 4 on page 0919, the very next page refers  
12 to two Ford E350 supercargo vans and the date on that  
13 particular request is -- looks like it's 9/17/91. The  
14 delivery on those vans, and I do recall this, was in November  
15 of 1991.

16 Q And the order was placed on 9/17?

17 A The approval was given on 9/17. The order was made  
18 at some point thereafter.

19 Q And that -- would that be true for the other items  
20 that are listed on 0919, the same set of circumstances? The  
21 approval was given on the dates that are in the Capital  
22 Equipment Request?

23 A That was the approval for the specific equipment  
24 purchase.

25 Q You mentioned that it was your practice and Mr.

1 Kleiner's practice to discuss things that came up with members  
2 of the -- that came up from viewers?

3 A Um-hum, yes.

4 Q And so if a viewer called you would have a phone  
5 conversation at times with that viewer?

6 A At times. Not every single viewer, but at times.

7 Q Were any of those contacts memorialized --

8 A What do you mean?

9 Q -- in writing, in writing?

10 A No, they were not.

11 Q And you considered those contacts as being  
12 interviews with members of the general public?

13 A I consider those contacts -- that contact that I  
14 have with viewers which I have on a -- virtually a daily basis  
15 to be more grist for the mill, as I said earlier, as far as  
16 providing me with a complete picture of what the community's  
17 needs and wants are.

18 Q But was that -- would you consider that an  
19 ascertainment interview with a member of the general public?

20 A In the sense that it gave me information on what was  
21 going on in the community and helps me ascertain the needs of  
22 the community, yes, I would.

23 Q Well, what if the viewer just called to complain  
24 about something?

25 A Then I would not consider that particular

1 conversation an ascertainment interview.

2 Q Would you have any idea how many such calls you  
3 received during the summer of 1991?

4 A Well, I talk with viewers virtually every day and  
5 sometimes I speak to viewers several times a day. That  
6 particular summer I talked to a lot of viewers because there  
7 were some program changes going on in the station, so --

8 Q And you got some complaints about program changes?

9 MR. HOWARD: Let her finish her answer, please.

10 JUDGE SIPPEL: Yeah.

11 WITNESS: The process of --

12 JUDGE SIPPEL: Go ahead.

13 WITNESS: In the process of discussing with viewers  
14 -- let me just use an example because I know you're thinking  
15 of Santa Barbara. When we made the decision to take Santa  
16 Barbara off the air I spoke to a lot of viewers personally and  
17 I discussed with them -- some of them at great length the  
18 decision that we were making and why we were making the  
19 decision to take Santa Barbara off the air. And in the course  
20 of that conversation there were many instances where we would  
21 start talking about other issues and why a talk show like  
22 Montel Williams might be better serving the community than  
23 would a soap opera like Santa Barbara, and that is -- in those  
24 instances then I would consider those to be ascertainment  
25 interviews.

1 BY MS. SCHMELTZER:

2 Q Did you write any of those down?

3 A No, I did not.

4 Q And you would consider it to be an ascertainment  
5 issue -- interview concerning what issue?

6 A It would depend on the issue that was discussed.

7 Q No. But if someone called to complain about taking  
8 Montel Williams off --

9 A No. You -- that's not what I said. What I said was  
10 that in the instances where someone called and we had a  
11 discussion at some length about a specific issue -- that issue  
12 might have been coverage of crime. It might have been, it  
13 might have been homelessness. It might have been health  
14 issues. It might have been consumer issues. Whatever the  
15 issue might have been, if we got into a discussion of any  
16 substance about a particular subject, then I would say that I  
17 would consider it as an ascertainment interview.

18 Q When that person called is the only thing that you  
19 knew about them that they were a caller with a certain name?  
20 Did you know anything more about the member of the general  
21 public that was calling you?

22 A Sometimes they would tell me about themselves.  
23 There are people in the general public who call me and know me  
24 by name and I know quite a bit about them because we have an  
25 ongoing relationship.

1 Q And sometimes they would not?

2 A And sometimes they didn't want to tell me their  
3 name.

4 MS. SCHMELTZER: I have nothing further, Your Honor.

5 MR. HOWARD: Your Honor, may I ask one question on  
6 redirect? It goes directly to a question she raised.

7 JUDGE SIPPEL: You assume the risk. Go ahead, Mr.  
8 Howard.

9 REDIRECT EXAMINATION

10 BY MR. HOWARD:

11 Q Ms. Barr, you -- there's been great discussion about  
12 the -- whether materials were written down after contacts.  
13 Would you, would you explain to the -- to us why you did not  
14 write down these contacts? Was that necessary to -- would you  
15 explain why you did not write down these things?

16 MS. SCHMELTZER: Objection. I think this has been  
17 gone into, Your Honor.

18 MR. HOWARD: This hasn't been -- this has never been  
19 asked.

20 MS. SCHMELTZER: Well, then it should have been  
21 explained in the direct case exhibit.

22 MR. HOWARD: You just re-raised it again on cross-  
23 exam. You asked it two more times and it was asked and it was  
24 answered.

25 JUDGE SIPPEL: It's only quarter-of-four. I think

1 we can handle this question. Go ahead.

2 WITNESS: Okay.

3 JUDGE SIPPEL: I'll overrule the objection.

4 WITNESS: We are in the business of running a  
5 television station and are offering programming that is going  
6 to be both informational and educational and informative and  
7 entertaining for our viewers. We're not in the business of  
8 writing everything down so that in the event that something  
9 like a, a comparative hearing comes up we can turn back and  
10 say oh, look, we did this and that resulted in this. It is  
11 just not our practice to write these things down because we  
12 are a group of -- a relatively small group of people who are  
13 out in the community every day and who are using our  
14 professional experience and the experiences that we know  
15 people are having in the community to develop programming.  
16 This is a fluid ongoing process. It involves a lot of  
17 different people from a lot of different sides of the  
18 community and we are -- in my opinion, the television station  
19 is better served by going out and really getting involved in  
20 the community than by spending a lot of time creating a lot of  
21 paperwork that is going to go into a file somewhere and  
22 probably not get looked at.

23 JUDGE SIPPEL: Ms. Schmeltzer?

24 MS. SCHMELTZER: I have a question arising from  
25 that.



1 Q Have you ever read the Commission's deregulation of  
2 television?

3 A Have I personally read the deregulation?

4 MR. HOWARD: Your Honor --

5 JUDGE SIPPEL: Well, I'll sustain that objection.  
6 I'll sustain that objection.

7 MS. SCHMELTZER: At the other stations that you  
8 worked, Ms. Kleiner, did they -- I mean Ms. Barr -- did they  
9 have written ascertainment interviews?

10 MR. HOWARD: Objection.

11 JUDGE SIPPEL: Sustained.

12 MS. SCHMELTZER: Ms. Barr, what is your  
13 understanding of what the Commission's policies and guidelines  
14 are?

15 MR. HOWARD: Objection, Your Honor.

16 JUDGE SIPPEL: She doesn't have to, she doesn't have  
17 to testify to that.

18 MR. HOWARD: That's a legal matter.

19 MS. SCHMELTZER: I have no further questions.

20 MR. ZAUNER: I'm not jumping in.

21 JUDGE SIPPEL: You're excused as a witness.

22 WITNESS: Thank you.

23 JUDGE SIPPEL: Now, I've got to give you this  
24 instruction, however. There are going to be other witnesses  
25 -- witnesses coming after you and you're going to be permitted