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LAW OFFICES
KOTEEN & NAFTALIN
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036

BERNARD KOTEEN
ALAN Y. NAFTALIN
RAINER K. KRAUS
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
HERBERT D. MILLER, JR.
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
M. ANNE SWANSON
CHARLES R. NAFTALIN
GREGORY C. STAPLE
OF COUNSEL

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915
CABLE ADDRESS
"KOBURT"

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FEDERAL COMMUNICATIONS COMMISSION
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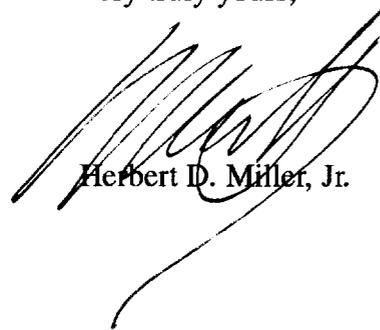
William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Dear Mr. Caton:

Transmitted herewith, on behalf of EZ Communications, Inc., are its Proposed Findings of Fact and Conclusions in MM Docket Number 93-88.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,



Herbert D. Miller, Jr.

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

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Washington, D. C. 20554

In re Application of

EZ Communications, Inc.

For Renewal of the License of FM Radio Station
WBZZ (FM) on Channel 229B at Pittsburgh,
Pennsylvania

Allegheny Communications Group, Inc.

For a Construction Permit for a New FM Broadcast
Station on Channel 229B at Pittsburgh, Pennsylvania

MM Docket Number
93-88

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Honorable Edward Luton
Administrative Law Judge

PROPOSED FINDINGS OF FACT AND CONCLUSIONS

of

EZ COMMUNICATIONS, INC.

Rainer K. Kraus
Herbert D. Miller, Jr.

KOTEEN & NAFTALIN
SUITE 1000
1150 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036

Its attorneys

January 14, 1994

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Summary

WBZZ served the Pittsburgh community diligently and well during the past license renewal period. It ascertained community needs and interests, it presented responsive local programming, it gave unstintingly to its community through its broadcast service and community outreach efforts, and it has an exemplary record of compliance with Commission rules and policies. It is very highly regarded in its community:

"WBZZ is one of the stations we call on most frequently for help, and it has always more than justified the reliance we place upon it. WBZZ has a reputation within the municipal government as a station which can be counted on in time of need, and I have consistently been very favorably impressed with WBZZ's efforts to serve the needs of our local community."

..... Pittsburgh Mayor Sophie Masloff

"WBZZ has done a tremendous job in serving us, and the community which we also serve. The help it has provided has been unique in our experience, because WBZZ to a greater extent than any other Pittsburgh radio station has been willing to make and keep long term commitments and then to follow up by asking what more we need, and providing it. Other stations help, but generally do so in short bursts of public service announcements, with much less follow through. WBZZ is always there to help when we need it, and consistently exceeds its commitments to us."

..... Director of a shelter for abused youth

"WBZZ's involvement is 100 percent: when WBZZ makes a commitment, it exceeds its promises and then follows through. In my experience, WBZZ stands out in this respect amongst all of the radio stations in Pittsburgh."

..... Executive Director of Western PA Leukemia Society

"WBZZ has provided all of the assistance we have sought, and more. It has provided more help with our youth programs than all of the other radio and television stations in Pittsburgh combined."

..... Youth group leader

"I have participated in talk shows on many stations, and WBZZ's treatment of the issue was far better than I have experienced on any other Pittsburgh station."

..... Director, Pennsylvania Chronic Fatigue Syndrome Association

"WBZZ, which has a large youth and young adult audience, has been very helpful to us over the years by assisting in our fund raising efforts and also by helping us keep the community advised of what we do. WBZZ has been more supportive of our programs than have the other area stations, and our representatives have appeared on WBZZ programs to discuss a wide range of topics."

. Representative of non profit rehabilitation hospital

Allegheny asks the Commission to deprive the community of this exemplary service by giving WBZZ's authorization to Allegheny, an untried competing applicant with nothing to commend it beyond its lack of media interests.

The WBZZ license renewal application should be granted, and the mutually exclusive Allegheny application should be denied.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

In re Application of

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Honorable Edward Luton
Administrative Law Judge

PROPOSED FINDINGS OF FACT AND CONCLUSIONS

EZ Communications, Inc., (EZ), the applicant for renewal of the license of radio station WBZZ(FM), in Pittsburgh, Pennsylvania, files herewith, by its attorneys, its proposed findings of fact and conclusions in the above captioned proceeding.

Proposed Findings

1. By *Hearing Designation Order* released on April 5, 1993, the mutually exclusive applications of EZ Communications, Inc. (EZ) for renewal of the license of FM radio station WBZZ, in Pittsburgh, Pennsylvania and of Allegheny Communications Inc. (Allegheny) for a permit to construct a new FM radio station in Pittsburgh were designated for hearing on the following issues:

"(a) To determine which of the captioned mutually exclusive applications for authority to operate on Channel 229B at Pittsburgh, Pennsylvania, would, on a comparative basic, best serve the public interest; and

"(b) To determine, in light of the evidence adduced pursuant to the specified issue, which of the applications should be granted."
(DA 93-361).

Hearings were held in Washington, D. C. on October 26 and 27, 1993.

EZ Communications, Inc.

EZ Structure and Media Ownership

2. EZ Pittsburgh, Inc., the licensee of radio station WBZZ(FM), in Pittsburgh, Pennsylvania since 1977 (Tr. 343), is a wholly-owned subsidiary of Professional Broadcasting, Incorporated, which is a wholly owned subsidiary of EZ Communications, Inc., a publicly traded company. Arthur Kellar, the Chairman of the Board of Directors of EZ Communications, Inc., controls 72.4% of the company through stock which he and his wife own (Tr. 336 - 337), and Mr. Alan Box, the President, controls 13%. No other entity owns more than 2% of the company's voting stock (EZ Exhibit No. II-1).

3. Through Professional Broadcasting, Incorporated, EZ Communications, Inc. owns all of the stock of the following subsidiary companies which are the licensees of the stations indicated (EZ Exhibit No. 6):

Licensee	Station	City of License
EZ Sacramento, Inc.	KRAK AM/FM KQBR(FM)	Sacramento, CA ¹ Davis, CA.
EZ St. Louis, Inc.	KYKY(FM)	St. Louis, MO ²

¹ EZ Sacramento, Inc. owns all of the stock of KYLO Radio, Inc., the licensee of KQBR(FM), in Davis, CA. Applications are pending for EZ Sacramento, Inc. to sell KQBR(FM) and to purchase KNCI(FM), Sacramento.

² On November 29, 1993, the Commission approved the assignment of the licensees of stations KUSA(AM) and KSD-FM), St. Louis, MO. to EZ St. Louis, Inc. (BAL-931004EE and BALH-931004EF). The sale was consummated on December 27, 1993

EZ Pittsburgh, Inc.	WBZZ(FM)	Pittsburgh, PA ³
EZ Seattle, Inc.	KMPS.AM/FM	Seattle, WA
EZ Philadelphia, Inc.	WIOQ-FM	Philadelphia, PA
EZ New Orleans, Inc.	WEZB(FM)	New Orleans, LA
EZ Charlotte, Inc.	WMXC(FM)	Charlotte, NC
	WSOC-FM	Charlotte, NC

EZ Principals

4. Arthur Kellar, the Chairman of the Board of EZ, began his career in broadcasting in 1947 as an on-air personality on station WRON(AM), in Roncervet, West Virginia. The same year, he moved to WAND, in Canton, Ohio. In 1948, he became employed at WGEH(AM), in Goldsboro, North Carolina and WFLB(AM), in Fayetteville, North Carolina. In 1949, he joined WKWK(AM), in Wheeling, West Virginia, and in 1950 WJLA(AM), in Beckley, West Virginia. He returned to WRON(AM), in Roncervet, West Virginia in 1950 and, in 1951, became an account executive with WEAM(AM), in Arlington, Virginia. In 1952, he became the sales manager of WPIK(AM), in Alexandria, Virginia. In 1955, he constructed WEEL(AM), in Fairfax, Virginia, and remained the president and principal stockholder of the licensee of that station until it was sold in 1978. In 1967, he purchased WPRW(FM), in Manassas, Virginia (Tr. 341) and founded EZ Communications, Inc. He has been a director of EZ since 1967, and has served as the Chairman of the Board of Directors since 1968. He was the president of the company from 1967 until 1985 (EZ Exhibit No. 8).

5. Mr. Kellar devotes an average of five hours per week specifically to the affairs of WBZZ and an additional five hours per week to matters which involve all of the EZ stations. He spends three or four days each year at WBZZ, and has

³ Since January 1, 1993, EZ has had a Local Marketing Agreement (LMA) with the licensee of New Kensington, PA station WQKB(FM) (EZ Exhibit No. 11) and an application is pending for Commission consent to the assignment of the license of that station to EZ Pittsburgh, Inc. (EZ Exhibit No. 6).

contact by telephone and E-mail with the general manager of the station. He participates in quarterly managers' meetings which involve group discussions of programming, EEO requirements, other personnel matters, and sales matters (EZ Exhibit No. 8). In addition, the general manager of WBZZ visits Mr. Kellar several times each year at EZ's headquarters in Fairfax, Virginia. And, as detailed in paragraph 55 below, the general manager of WBZZ (like the managers of the other EZ stations) provides detailed information about all aspects of station operations on a regular basis to Mr. Kellar and other EZ executives.

6. Alan Box, the President of EZ, joined the company in 1974 as the general manager of its Manassas, Virginia station and became the executive vice president and a director in 1979. In 1985, he became the President of the company. He is the son in law of Arthur Kellar (EZ Exhibit No. 9). He began his broadcasting career while in high school and college, working as an engineering assistant for PAMS, a company that produced radio jingles in Dallas, Texas. From 1970 to 1973, he worked in the sales department of TM Communications, Inc., which also recorded and produced radio jingles. From approximately 1984 to 1986, he served on the board of directors of TM. He has been a member of the board of directors of the National Association of Broadcasters (NAB) since 1990, and has served as the Chairman of the NAB Digital Audio Task Force. At the request of the United States Department of State and the NAB, he has participated in industry meetings in Canada and Mexico (EZ Exhibit No. 9).

7. As the President of EZ, Mr. Box is in direct charge of all of the company's stations. He devotes an average of four to five hours weekly exclusively to WBZZ matters, and an additional period of at least five hours per week to matters affecting all of the EZ stations. Since 1985, he has devoted an average of eight to ten days annually to trips to WBZZ, each trip generally lasting two days. He

is normally in daily contact with the general manager of WBZZ and other key operating personnel at the station by telephone, E-mail and other forms of communication. He also reviews the station reports sent to EZ headquarters (See paragraph 55) and guides the company's quarterly managers' meetings. He meets with the WBZZ general manager when he visits EZ headquarters (EZ Exhibit No. 9).

8. Mr. Edward "Tex" Meyer has been the full time general manager of WBZZ since March 1984 and a vice president of EZ Communications since the Fall of 1984. He owns 5,600 shares of EZ stock (EZ Exhibit No. 10), representing approximately .02 percent of the voting stock of the company (see EZ Exhibit No. II-1). Mr. Meyer began his career in broadcasting in 1961 as a newscaster and announcer. He then became the assistant program director of WOKY, in Milwaukee, Wisconsin. Following that, he was the program director at WGOW, in Chattanooga, Tennessee for three years. From there he moved to WMAK-AM, in Nashville, Tennessee, where he was the sales manager from 1977 to 1979. From 1979 until he assumed his duties as the general manager of WBZZ in 1984, he was the general manager of WWKX, licensed to Gallatin, Tennessee (EZ Exhibit No. 10). He is a former president of the Pittsburgh Radio Organization (Tr. 185).

WBZZ Renewal Expectancy

9. EZ claims a renewal expectancy based on its service to the community during the past license period, August 1, 1984 - July 31, 1991 (WBZZ Exhibit No. 2, p. ii).

Perceptions of Area Community Leaders

10. Ms. Sophie Masloff has been the Mayor of Pittsburgh since 1988. Previously, she had been a member of the Pittsburgh City Council for twelve years. Her involvement in City and County government in the Pittsburgh area goes back sixty years (EZ Exhibit No. 1-J, p. 1). According to Mayor Masloff,

"In recent years, budgetary limitations have diminished the resources which the City can devote to the promotion of civic events, and we have come to rely heavily on the local media for assistance. WBZZ is one of the stations we call on most frequently for help, and it has always more than justified the reliance we place upon it. WBZZ has a reputation within municipal government as a station which can be counted on in time of need, and I have consistently been very favorably impressed with WBZZ's efforts to serve the needs of our local community.

WBZZ has consistently and effectively promoted events of importance to the City and to numerous civic and charitable organizations, and WBZZ on-air personalities have participated extensively in many of those activities as well. WBZZ has been actively involved in promoting our City park events, large and small, and has in a very real sense become a partner in our very successful parks program. WBZZ has done this in a variety of ways, including the broadcast of public service announcements and making on-air personalities available to participate directly.

Some of the activities WBZZ has undertaken for the community during recent years are briefly highlighted below:

Three Rivers Regatta. WBZZ has been an active participant in, and promoter of, the Regatta since 1984. The Regatta is one of the most important civic promotions in Pittsburgh, and WBZZ's active participation has been highly beneficial.

City Parks Lunch Time Concerts. In the summers of 1990 and 1991, WBZZ played an active role in promoting these concerts.

Clean Up the City Campaign. In 1989 and 1991, WBZZ provided substantial promotional assistance in our efforts to get local residents to make Pittsburgh a cleaner and more beautiful place to live and work.

Pittsburgh Marathon. This is one of Pittsburgh's largest annual events. It brings runners from all over this country, and also from many other countries. Media sponsorship is very important, and WBZZ's assistance has been exceptionally valuable.

Southside Summer Spectacular. Each year since 1987, WBZZ has participated in this annual event, which has grown from a modest neighborhood festival into a major Pittsburgh ethnic event. I believe that the Summer Spectacular would not have grown into such an important event without WBZZ's help.

Light Up Night. Each year since 1984, WBZZ has provided major promotional support for our annual Light Up Night, which introduces the holiday season in downtown Pittsburgh.

Parades. Pittsburgh has numerous parades, perhaps more than any other city in the country. These include a major St. Patrick's Day Parade and an annual Afro American Heritage Parade. WBZZ's assistance in promoting these events, and in providing the assistance of its on-air personalities, has been extremely helpful to the success of these events.

March of Dimes WalkAmerica walkathon. Since 1985, WBZZ has actively participated each year in the promotion of this fund raising and promotional event for the March of Dimes Birth Defects Foundation.

By promoting and participating in these and other events, WBZZ has made its presence felt in the Pittsburgh community and has contributed substantially to our sense of community."(EZ Exhibit No. 1-J).

11. Mr. Bob O'Connor, a member of the Pittsburgh City Council since January, 1992 and formerly the Vice President of a company owning restaurants throughout Western Pennsylvania, stated that

"My experiences with WBZZ, both while I was in the private sector and now that I am a member of the City Council, have been uniformly positive. I believe that WBZZ is instrumental in helping to enhance Pittsburgh's image, through . . . its promotions of local events, assistance to local organizations, and generally through its programming. WBZZ has always been generous with its help." (EZ Exhibit No. 1-L).

12. These perceptions of WBZZ's role in the Pittsburgh community are echoed by many other leaders there. According to Mr. Bruce Brindza, the Director of Development and Public Relations of The Whale's Tale, a non-profit organization which provides shelter and other services for abused and otherwise troubled youth during periods of crisis,⁴

"WBZZ has constantly supported our efforts and has always responded generously to our requests for help through public service announcements and talk show interviews. Through WBZZ, we have been able to get our message to the youth we serve, and to the community which supports us. WBZZ has done a tremendous job in serving us, and the community which we also serve. The help it has provided has been unique in our experience, because WBZZ to a greater extent than any other Pittsburgh radio station has been willing to make and keep long term commitments and then to follow up by asking what more we need, and providing it. Other stations help, but generally do so in short term bursts of public service announcements with much less follow through. WBZZ is always there to help when we need it, and consistently exceeds its commitments to us.

WBZZ is the only commercial radio station which has sent personnel to tour our facilities and gain insights into the services which we provide. Through these tours, and discussions with our counselors and volunteers, WBZZ personnel have become familiar with what we do and have thereby been able effectively to present us on the air.

WBZZ has assisted us directly in many ways. For example, in 1989, we opened a new shelter on 5th Avenue, in Pittsburgh. WBZZ supported us there with a concentrated public service message campaign over a period of several months. It was one of the strongest and most effective campaigns our agency has experienced. It focused on our shelter and other programs and featured interviews with our supervisors and the counselors on our staff. WBZZ supported our efforts to make our services known to youth as well as our fund raising efforts. With the help of WBZZ, we were able to raise over one million dollars during our

⁴ The Whale's Tail is in its twenty-third year of service, and has thirteen facilities in the greater Pittsburgh area. It provides crisis counseling and intervention services, independent living services, health screening and job training. It also helps the homeless children in the greater Pittsburgh area, and provided a Safe Place to over 43,000 youth in the past year alone (EZ Exhibit No. 1-C).

1989 fund raising efforts. 1990 was also a particularly important year for us, and it is my understanding that during 1990, WBZZ broadcast more than 500 public service announcements on behalf of Whale's Tale. The efforts of WBZZ in 1989 and in subsequent years increased our visibility in the business community and thereby contributed substantially to the success of our more recent fund raising efforts, helping us to raise \$3.5 million in 1992.

WBZZ has also given extensive promotion to our Safe Place program. That program recruits local businesses to display Safe Place signs and to put troubled youth in touch with us. Our volunteers and counselors are then able to reach them and provide whatever help they need. WBZZ's promotion of this program was one of the very strongest our agency has seen. As a result of WBZZ's efforts, many additional businesses have agreed to participate in the program.

Various representatives of Whale's Tale have appeared on WBZZ public affairs programs. In June, 1990, Lori Abott and John Amatto of Whale's Tale appeared on Dialogue to discuss our organization, its purposes and programs, and to offer help to young people who feel they have no place to turn. Other representatives of Whale's Tale appeared on Dialogue in October, 1990 to discuss our Project Safe Place. Jerry Potts, our assistant director of shelter services, has also appeared on Dialogue several times in recent years to discuss the services we provide and to help the community understand the problems which area youth face." (EZ Exhibit No. 1-C)

13. Mr. George J. Omiros, Executive Director of the Western Pennsylvania Chapter of the Leukemia Society of America, testified that WBZZ has been "extremely supportive" of that organization's efforts, and that "WBZZ, to a greater extent than any other Pittsburgh radio station, goes out of its way to help us." (EZ Exhibit No. 1-M). He also observed that WBZZ's high level of commitment to public service distinguishes it from other Pittsburgh radio stations:

"Beyond leukemia, and our society, WBZZ also gets involved in similar ways with many other charitable organizations. Whenever it does, WBZZ's involvement is 100 percent: when WBZZ makes a commitment, it exceeds its promises and then follows through. In my experience, WBZZ stands out in this respect amongst all of the radio stations in Pittsburgh. That has been my experience with WBZZ during my entire time with the Leukemia Society, and prior to that, during my years (1979 - 1988) with the American Heart Association in Pittsburgh." (EZ Exhibit No. 1-M, pp. 2 - 3).

14. Mr. C. Richard Redd, Director of the Alcohol and Drug Program of United Mental Health, Inc., testified that WBZZ has been of tremendous assistance in the organization's work with youth. "WBZZ has provided all of the assistance we have sought, and more. It has provided more help with our youth programs than all of the other radio and television stations in Pittsburgh combined." (EZ Exhibit No. 1-N).

15. Ms. Mary Pat Root, Executive Director of the Western Pennsylvania Chapter of the Cystic Fibrosis Foundation, testified that "We generally approach WBZZ for help before going to any other radio station, because of its high level of commitment to the community and the excellent relationship we have with the station and with its on-air personalities." (EZ Exhibit No. 1-O).

16. According to Ms. Julie K. Stark, Director of the West Penn Chapter of the March of Dimes Birth Defects Foundation,

"WBZZ is an excellent radio station to work with, and we are highly appreciative of the station's efforts. Rather than merely do what we ask, it tries to use its resources creatively, in a productive partnership with us, to promote our events. Its support has been consistent, and its level of commitment has been outstanding." (EZ Exhibit No. 1-Q)

17. Recognition of WBZZ's public service was also expressed by the Executive Director of the Allegheny/Westmoreland Chapter of Mothers Against Drunk Driving (MAAD) (EZ Exhibit No. 1-B); the Senior Vice President of St. Francis Health System (EZ Exhibit No. 1-D); the Director of Communications and Marketing for the Pittsburgh Steelers football team, who oversees the team's community outreach and charitable activities (EZ Exhibit No. 1-E); the Director of Marketing Services of D. T. Watson Rehabilitation Services, a non-profit rehabilitation hospital in nearby Sewickley, Pennsylvania (EZ Exhibit No. 1-F); the President of the Board of Alcoholic Recovery Center, in Pittsburgh (EZ

Exhibit No. 1-G); the Vice President of the Pittsburgh Three Rivers Regatta (EZ Exhibit No. 1-H); the Pennsylvania State Director of the Pennsylvania Chronic Fatigue Syndrome Association (EZ Exhibit No. 1-I); the President of the Pittsburgh Chapter of the Transplant Recipient International Organization (EZ Exhibit No. 1-K); and the Executive Director of the Pennsylvania Educational Network for Eating Disorders (EZ Exhibit No. 1-P);

WBZZ Ascertainment of Community Needs

18. WBZZ ascertains community needs in several ways. The WBZZ news director meets with community leaders on a regular basis, and summarizes their comments for distribution to all station department heads (Tr. 257). The general manager, sales manager, program director, business manager and news director also participate in group ascertainment activities under the auspices of the Pittsburgh Radio Organization, either quarterly or twice yearly (Tr. 257). They then share the results of their discussions (Tr. 260). Additionally, WBZZ personnel interview community leaders when they come to the station and when station personnel go to their places of business (Tr. 257 - 258). Approximately 30 - 55 community leader interviews are conducted quarterly (Tr. 290). Interviews with members of the general public, conducted in preparing the program PITTSBURGH OPINION, are also part of the WBZZ ascertainment process (Tr. 270).

Mr. Meyer, the WBZZ General Manager, testified:

"it gives us a real focus in what the man or woman or child on the street is thinking. And it also gets people to think about many, many issues that people have to deal with. . . . And the topics are very topical and it gets, it gets community involvement. It gets the person on the street to be able to give an opinion on the radio station. And we, we request at the end of Pittsburgh Opinion that if you would like a question submitted or you would like to talk further, please send us your suggestions." (Tr. 270)

19. Ascertainment reports are periodically placed in the WBZZ Public Inspection File (Tr. 258). Based on the ascertained needs, and discussion at department head meetings, WBZZ's general manager and the department heads decide on the non entertainment programming to be presented by the station (Tr. 260 - 261). As various issues are dealt with in the course of WBZZ's local non entertainment programming, interaction between WBZZ personnel and the program guests supplements the more formal ascertainment processes (Tr. 261). Finally, the involvement of WBZZ personnel in the Pittsburgh community helps them to decide which issues are the most significant. Mr. Meyer, the WBZZ general manager, testified:

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

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

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

A Yeah. Yes, excuse me. I think when you're a part of the media, you have access to an awful lot of sources. And I think just living in the community and being a part of that community and I believe all the department -- and I'd hate to make a statement for them, but I believe they all subscribe to the newspapers. They all watch the local television stations. We're all aware of the other radio stations and what they're doing to be involved in the community.

And it's just you can't have blinders on. You have to be open to the needs of the community just by observing and talking to a lot of people." (Tr. 264 - 265).

20. EZ Exhibit Number 2 provides a representative listing of 325 of the approximately 1,000 community leader interviews conducted during the past license renewal period (see Tr. 290). The organizations, names, and dates for the interviews listed in EZ Exhibit Number 2 are collected in Attachment A to these proposed findings. They include representatives of the following interests and organizations:

Allegheny County Government	Legal Profession
Arts	Marine
Business	Media
Charities	Medical Profession
City Government	Military
Civic	Minority
Civil Rights	Needy
Consumer Affairs	Patriotic
Crime Victims	Politics
Culture	Politics
Drug and Alcohol Abuse	Public Safety
Education	Recreation
Elderly	Religion
Environment	Singles
Family Matters	Sports
Handicapped	Tourism
Health	Transportation
Historical	Unions
Hospitals	Welfare
Industry	Women
Labor	Youth
Law Enforcement	

WBZZ Local Non Entertainment Programming

21. WBZZ's primary local vehicles for responding to the problems of the Pittsburgh area are DIALOGUE, an hour long weekly discussion program broadcast between 7:00 and 8:00 am each Sunday morning; PITTSBURGH OPINION, consisting

of one minute "man in the street" interviews on topics of current interest broadcast 68 times each week; and NEWS INTERVIEWS, broadcast each day as part of WBZZ's regularly scheduled news programs⁵ (WBZZ Exhibit No. 2). WBZZ's hearing exhibits describe 490 segments of DIALOGUE and 434 NEWS INTERVIEWS, and provide 1,200 examples of PITTSBURGH OPINION interviews broadcast during the past license renewal period (EZ Exhibit No. 2). Typically, WBZZ broadcasts

⁵ WBZZ devotes 4 hours and 12 minutes to regularly scheduled news and weather broadcasts each week (EZ Exhibit No. 2, p. iii). WBZZ also broadcasts news of breaking events as warranted (Tr. 285 - 287). Mr. Meyer, the WBZZ General Manager, testified:

"I can cite many examples of where we have broken in and done newscasts and continual updates on a day-to-day basis.

This may sound funny when I started out, but one of the big things that happened I believe it was in 1989 was a huge banana truck hit the Fort Pitt tunnel and completely blocked it. The truck was too high for the tunnel. If, if you know anything about Pittsburgh, it's a city where streets don't go from one end of the city to the other. It's divided by the three rivers. It's a city where streets end, and you have to take alternate routes. That happened at approximately 4:30 in the morning which we had a news reporter out there. We did actual feeds. We gave alternate routes to use. Still the city was in a complete turmoil for almost until 11 or 12 o'clock in the morning. Same thing happened when the Liberty Tunnel or the Liberty Tubes as they refer to them in Pittsburgh fell down and hit a car and actually blocked the entire city.

The drug stories that we talked about with the Pittsburgh Pirates where people were going to jail, being subpoenaed, we did break-ins on that. We did break-ins on the Gulf War crisis. So if it's a highly -- unfortunate it may be that we have a 78-year-old mayor, but if Sophie Masloff dies tomorrow, that's going to be a lead story. And we're not going to wait until tomorrow morning to put it on the air. We're going to have it on the air with updates as we go along. . . . There was also coverage of when Senator Hines tragically died in the plane crash in Philadelphia. The Hines family is probably one of the high profile families in the Pittsburgh area along with the Carnegies and the Mellons. And that was a continual story with the news update. Those are things that come to mind right off the top of my head." (Tr. 285 - 287)

four hours of issue oriented programming each Sunday morning, including DIALOGUE (WBZZ Exhibit No. 2, p. ii) as well as a variety of recorded non-entertainment programs (WBZZ Exhibit No. 2,, pp vi - ix). Detailed information on the Pittsburgh community issues dealt with through WBZZ's local programs is provided in Attachment B to these Proposed Findings. Only a few will be mentioned here.

22. Problems related to health care were frequently raised during WBZZ's community leader interviews. Representative comments made during 33 interviews are cited in EZ Exhibit Number 2 (EZ Exhibit No. 2, pp. 336 - 338). In response, WBZZ broadcast 107 DIALOGUE segments, 72 PITTSBURGH OPINION segments, and 52 NEWS INTERVIEW segments dealing with health during the past license period (see EZ Exhibit No. 2, pp. 339 - 399). WBZZ also broadcast more than 13,600 PSAs for health related entities (EZ Exhibit No. 2, p. iv). The DIALOGUE segments included interviews with Ms. Betty Havryluk of the Hospital Council of Western Pennsylvania (EZ Exhibit No. 2, p. 341); Dr. Dorothy Smith, author of "Understanding Prescription Drugs" (EZ Exhibit No. 2, p. 341); Anita Sinicrope, of the Pittsburgh Educational Network for Eating Disorders (EZ Exhibit No. 2, p. 341); Ms. Dana Jounrsay of Planned Parenthood (EZ Exhibit No. 2, p. 345); Ms. Lisa Gray, of the D. T. Watson Rehabilitation Center (EZ Exhibit No. 2, p. 345); Ms. Rita Market of the International Anti-Euthanasia Task Force (EZ Exhibit No. 2, p. 347); and Dr. Ronald Herberman of the Pittsburgh Cancer Institute (EZ Exhibit No. 2, p. 348).

23. Anita M. Sinicrope, Executive Director of the Pennsylvania Educational Network for Eating Disorders, testified concerning the WBZZ program DIALOGUE as follows:

"The WBZZ interview programs in which we have participated have been very helpful to us, particularly since we have had ample time to make effective presentations and have been able to include people who have recovered from eating disorders. Being able to do this creates a sense in listeners that the situation is not hopeless, and that there are things which can be done. Short public service announcements, while very helpful, do not do this.

In an April, 1988 Dialogue interview, we were able to include a young woman named Rhonda, who had recovered from an eating disorder. Like between 50% and 75% of the people who suffer from eating disorders, she had been sexually abused. Somehow, sexual abuse seems to make people more vulnerable to developing eating disorders. During the program, we were able to discuss these things in an informative, sensitive, non-sensational manner.

In November, 1989, I again appeared on Dialogue, with another individual who had recovered from an eating disorder. Lisa, who appeared with me on that program, had been depressed about her environment and her perceived inability to change it for the better. Consequently, she had directed to efforts toward her body, and had developed an eating disorder. Later, she had found ways to channel her energies more productively and less self-destructively. We discussed all of these things during the interview. We also discussed how parents could help prevent eating disorders in their children by helping them to develop self esteem by emphasizing that "its what's inside that counts," rather than physical appearance.

As a result of these Dialogue programs, we had calls from several people whom we were able to assist by putting them into contact with support groups and other resources.

Shelley Duffy, the Dialogue host, was very well informed and had obviously done a lot of preparatory research on both occasions. Her questions were intelligent, and she handled the interview with great sensitivity. At no time did I feel that she was attempting to sensationalize the subject matter or to emphasize its shock value -- something which has frequently happened on other interview programs I have been involved in. At all times, the emphasis of the program was on the seriousness of the problem, and prevention. We have also been able to get across our message on the help which is available." (EZ Exhibit No. 1-P).

24. Similarly, Ms. Janice Markowitz, Pennsylvania State Director of the Pennsylvania Chronic Fatigue Syndrome ("CFS") Association testified as follows:

"CFS is of great interest to the public, and according to the Center for Disease Control, only AIDS produces more inquiries from the public. Due to the publicity which CFS has received in recent years, much of it misinformed, many people confuse CFS with AIDS. As a result of this misunderstanding and the stigma associated with AIDS, some CFS patients have lost jobs, had to move, or been required to leave school.

In 1991, WBZZ presented a Dialogue program on CFS, during which our medical director, Dr. Jules Kann, and I were interviewed. I have participated in talk shows on many stations, and WBZZ's treatment of the issue was far better than I have experienced on any other Pittsburgh station. The interview was conducted by WBZZ's Shelly Duffy, who obviously had spent a lot of time researching CFS before the interview. Her questions were excellent and well informed, and reflected a sincere interest in what we had to say. Many other times, when I have participated in interviews about CFS on stations in Pittsburgh and elsewhere, this has not been the case. Instead, there has been an apparent attempt to sensationalize the disease by reinforcing misconceptions about it, and it has been obvious to me that the program host has not even bothered to read the background material which I had provided prior to the interview.

Following the Dialogue interview, our organization received 138 inquiries from members of the public which were directly attributable to that program. We also received calls from four physicians asking for more information about our association or about CFS. I understand from Dr. Kann that he received a number of additional calls at his medical office as a result of the program. We ask all callers how they heard about us and maintain a log of all inquiries and comments. All 138 callers to our association offices said they were calling in response to the Dialogue program. We have never previously received anything approaching 138 calls in response to a single radio program; the most we have received in response to any other program was 25 calls.

I listen regularly to WBZZ's Dialogue program, and what I have heard as a listener has been consistent with the perceptions I formed as a result of being a participant: Shelly Duffey seems to be well prepared, to ask intelligent and well focused questions, and there is an absence of sensationalism for the sake of sensationalism. On a somewhat personal note, I was deeply involved in 1990 - 1991 in an effort to save the Syria Mosque, an historic building in Oakland, Pennsylvania where I live. There was quite a lot of controversy about the issue, and I believe that WBZZ covered that issue very fairly, objectively and thoroughly." (EZ Exhibit No. 1-I)

25. Similarly, Mr. George J. Omiros, Executive Director of the Western Pennsylvania Chapter of the Leukemia Society of America, testified that beyond helping his organization through numerous public service announcements and participation in its fund raising activities, WBZZ

"has also been very effective in getting our more serious messages across, through its Dialogue program. These have included interviews with leukemia patients, family members of leukemia patients, bone marrow transplant recipients, and discussions of the nature of leukemia. Whenever WBZZ broadcasts a leukemia related program, we get calls from members of the public seeking additional information. One program done by Shelley Duffy generated 93 calls on the nature of leukemia and bone marrow transplantation."(EZ Exhibit No. 1-M, p. 2).

26. Mr. David Dombrowiak, Senior Vice President of St. Francis Health Systems, testified as follows:

"Since 1987, one of my primary activities related to St. Francis has been our annual The Courage to Come Back awards program. Through this program, we recognize members of the community who have overcome devastating accidents, illness or injury to lead remarkable lives. They, in turn, serve as models of hope for others to stage come backs from medical, psychiatric, chemical dependency, and similar major problems. WBZZ has been instrumental in the success of this program, not only by assisting us with fund raising but also by interviewing the award winners on the air and otherwise providing opportunities for us to tell our story, and theirs, to the community.

For example, in 1991, we participated in two WBZZ Dialogue programs. In one, Mr. Tom Plunkett told how physical rehabilitation and work with a support group had helped him to recover from the loss of his legs. In another, Mr. Andy Nigut told of his recovery from post traumatic stress disorder after having part of his face blown off during the Vietnam war. Following both of these programs, listeners called and asked to be put in touch with the support groups which had helped Mr. Plunkett and Mr. Nigut."(EZ Exhibit No. 1-D)

27. Ms. Jane Neely, President of the Pittsburgh Chapter of the Transplant Recipient International Organization, testified that a 1990 Dialogue program on

organ transplants "was very informative and responded to many public misconceptions about organ donation."(EZ Exhibit No. 1-K).

28. Ms. Lisa Gray, of D. T. Watson Rehabilitation Services, testified that WBZZ presented a variety of interview programs involving the work of that organization. She stated,

"WBZZ, which has a large youth and young adult audience, has been very helpful to us over the years by assisting in our fund raising efforts and also by helping us keep the community advised of what we do. WBZZ has been more supportive of our programs than have the other area stations, and our representatives have appeared on WBZZ programs to discuss a wide range of topics." (EZ Exhibit No. 1-F).

For example, in December 1991, a DIALOGUE program was devoted to the discussion of alcohol related injuries. A victim of a drunk driver, who had suffered serious head injuries in an automobile accident, spoke, as did one of the professionals on the staff at D. T. Watson. In 1988, WBZZ broadcast a DIALOGUE program dealing with amputation and its associated physical and mental problems. Another DIALOGUE program focused on Post Polio syndrome, which affects polio victims decades after their apparent recovery. This program also involved a patient and physician from D. T. Watson (EZ Exhibit No. 1-F)

29. Problems related to education were also mentioned frequently during WBZZ's ascertainment interviews. Summaries of 18 comments are provided in WBZZ Exhibit Number 2 at pp. 196 - 197. In response, WBZZ presented 19 DIALOGUE segments (EZ Exhibit No. 2, p. xiii), 44 PITTSBURGH OPINION segments (EZ Exhibit No. 2, p. xxxiv) and 22 NEWS INTERVIEW segments during the past license renewal period (EZ Exhibit No. 2, pp. 209 - 210). WBZZ also broadcast more than 2,800 PSAs for educational organizations (EZ Exhibit No. 2, p. iv). The DIALOGUE programs included interviews with Mr. Bob Smith of the

Pennsylvania Education Association (EZ Exhibit No. 2, p. 200); Mr. Stephan Holmes and Ms. Gwen Johnson of the United Negro College Fund (EZ Exhibit No. 2, p. 201); Dr. Mary Stuard of La Roche College (EZ Exhibit No. 2, p. 202); Father Doug Nowicki of the Pittsburgh Catholic Diocese (EZ Exhibit No. 2, p. 202); and Dr. Frederick Lorensen of Duquesne University (EZ Exhibit No. 2, p. 204). WBZZ news interviews included Mr. Al Fendy, President of the Pittsburgh and Pennsylvania Federation of Teachers (EZ Exhibit No. 2, p. 209); Mr. Jack Freeman, Executive Vice President of the University of Pittsburgh (EZ Exhibit No. 2, p. 209); and Dr. Richard Wallace, Superintendent of Pittsburgh Public Schools (EZ Exhibit No. 2, p. 210).

30. In the area of Minority Issues, EZ Exhibit Number 2 summarizes 15 of the comments made during ascertainment interviews (EZ Exhibit No. 2, pp. 499 - 500). In response, DIALOGUE presented interviews with Mr. Tim Stevens and Mr. Stephen Droaddus of the Black Political Empowerment Project (EZ Exhibit No. 2, p. 501); Mr. Chuck Burough and Ms. Bonnie Milslagol of Three Rivers American Indian, Inc (EZ Exhibit No. 2, p. 502); the Reverend Alfred Pugh and Mr. Lynn Hayes-Freeland, two members of Pittsburgh's black community (EZ Exhibit No. 2, p. 502); and the Director of African Affairs for the Pittsburgh Chapter of the N.A.A.C.P (EZ Exhibit No. 2, p. 502). There were also News Interviews with such people as Mr. Leon Haley, Ex-Director of the Pittsburgh Urban League (EZ Exhibit No. 2, p. 505); Dr. Edna McKinsey, Chairperson of Black, Minority and Ethnic Studies at the Allegheny County Community College (EZ Exhibit No. 2, p. 505); Dr. Ogle Duff, Director, Pitt University Desegregation Center (EZ Exhibit No. 2, p. 505); Ms. Irene Thomas of the Pittsburgh Coalition Against Racial Violence (EZ Exhibit No. 2, p. 505) and others (EZ Exhibit No. 2, pp 505 - 506). PITTSBURGH OPINION asked members