

low power stations under construction and about five pending low power applications. TBF Ex. 107, pp. 214-5.

114. During his tenure as an NMTV director, Aguilar attended only 50% of the NMTV board meetings. For those meetings he did not attend, he either gave Crouch a proxy or subsequently provided his consent to the board's action. MMB Ex. 318; MMB Ex. 327; MMB Ex. 338; MMB Ex. 348; MMB Ex. 358; MMB Ex. 386; MMB Ex. 394; MMB Ex. 405.

115. With one exception, the minutes reflect that Aguilar did not initiate any proposal that affected NMTV's programming, employment or finances. (MMB Ex. 358). Aguilar was apparently ignorant of much of what NMTV was doing. He did not know that NMTV's Portland station had an affiliation agreement with TBN, and he did not know how many hours of TBN programming the Portland or Odessa station broadcast during a typical week. Further, he did not know how many hours per week NMTV's stations were on the air. TBF Ex. 107, pp. 99, 104, 197. While Aguilar voiced opinions as to programming he wanted broadcast in Portland, no such programs were ever developed. TBF Ex. 107, pp. 132-4. As far as Aguilar knew, May was NMTV's attorney and Juggert was both NMTV's attorney and TBN's attorney. TBF Ex. 107, pp. 35-7, 86-7. Aguilar did not know who NMTV's consulting engineers were, and he did not know how many employees worked at the Odessa and Portland stations. TBF Ex. 107, pp. 88-9. Although he knew that NMTV had received loans from TBN to finance the acquisition of the Odessa and Portland stations,

Aguilar had never seen the resolution authorizing TBN as NMTV's accounting agent (MMB Ex. 125), and he did not know whether its provisions were in effect when he was a director of NMTV. He also did not know what happened to money received by TBN from viewers of the Odessa and Portland stations. TBF Ex. 107, pp. 60-1, 92-5. Although he looked at NMTV financial statements, he did not know how much money NMTV owed TBN. TBF Ex. 107, p. 160. Aguilar did not know how NMTV chose its low power markets. TBF Ex. 107, pp. 194-5. Finally, although he proposed to go to Portland and visit the station "to review its operations," Aguilar never did so. MMB Ex. 394; TBF Ex. 107, pp. 116-9; Tr. 4438-9.

116. Shortly after the Commission sent the letter of inquiry to NMTV in September 1991 (see ¶ 97, supra), Crouch learned that May & Dunne had concerns about Aguilar's reliability as a director sufficient to recommend adding another minority to NMTV's board.<sup>21</sup> MMB Ex. 376; Tr. 3135-6. Consequently, on October 2, 1991, the NMTV board elected Edward Victor Hill, an African-American and pastor of the Mount Zion Missionary Baptist Church, as its fourth board member. MMB Ex. 377; TBF Ex. 102, p. 1; Tr. 1919. The minutes reflect that Hill was to recommend new areas of service to minorities for the corporation. MMB Ex. 377. Immediately prior to or shortly after his election to NMTV's board, Hill received a packet of information about NMTV, its board, on-going projects and a

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<sup>21</sup> Among other things, May & Dunne was concerned about Aguilar's failure to attend NMTV board meetings and its inability to obtain reliable information from Aguilar about his prior criminal conviction for child assault, which had generated adverse publicity. MMB Ex. 355; MMB Ex. 376.

financial statement. TBF Ex. 102, p. 14; Glendale Ex. 75; Tr. 2019.

117. Hill had long been a member of the TBN "family." He had had a half-hour weekly program on TBN since at least 1986 and had appeared on TBN telethons and at TBN rallies to raise money not only for his own show but also for TBN special projects. MMB Ex. 113, p. 3; TBF Ex. 102, p. 9; Tr. 1918-9, 2439. In return, TBN periodically gave Hill money for various charitable projects involving his church in south central Los Angeles. MMB Ex. 89, p. 2; TBF Ex. 102, pp. 11-2. In addition, TBN paid Hill honoraria ranging from \$3,000 to \$20,000 per year. TBF Ex. 102, p. 11. Hill considers himself a close friend of both Crouch and Janice. Tr. 1919.

118. Hill proved to be a more active board member than Espinoza or Aguilar. For instance, shortly after he became an NMTV board member, Hill suggested that NMTV retain a minority attorney to review its relationship with TBN, thus leading to the hiring of Tyrone Brown. TBF Ex. 102, p. 20; Tr. 2369. Moreover, at the first annual NMTV board meeting that he attended, Hill urged that the corporation seek to acquire additional full and low power stations and, specifically, a low power station in the Los Angeles area. MMB Ex. 386, p. 2; TBF Ex. 102, pp. 18-9. Hill also suggested a seven year schedule for NMTV to pay off its debt. MMB Ex. 386, p. 2. Finally, in October 1992, Hill persuaded Crouch to recommend having NMTV lend \$1.5 million to a company in which Hill was an officer and director.<sup>22</sup>

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<sup>22</sup> For various reasons, the loan was never made. Glendale Ex. 218; Tr. 1975, 1978-9, 3749-52.

MMB Ex. 404; MMB Ex. 405; TBF Ex. 102, pp. 21-2; Tr. 1973-5. Hill has attended, or participated via telephone at, most of the board meetings held by NMTV during his tenure.

MMB Ex. 377; MMB Ex. 386; ; MMB Ex. 394; MMB Ex. 405; MMB Ex. 412.

119. Notwithstanding his advocacy and efforts, Hill had little impact on the operations of NMTV. During Hill's time on NMTV's board of directors, NMTV has made no attempt to acquire a full power station, and it has not tried to sever its ties with Crouch and TBN, other than by starting to repay its debt. Tr. 2025-7, 2876. Likewise, NMTV has not attempted to buy existing low power permits or stations as Hill wished; it has merely sought to obtain low power authorizations only by filing applications for new construction permits. Tr. 2032, 2587-8. TBN, not NMTV, has purchased low power permits or stations available for sale. MMB Ex. 70, p. 5; MMB Ex. 87; MMB Ex. 91, pp. 2, 6; Tr. 2607, 2624, 2632. Although Hill did suggest that a particular person be asked to serve on NMTV's Portland station's advisory board, there is no evidence that Hill has had any input into NMTV's programming or employment. TBF Ex. 102, p. 20-1. While NMTV now has a note and schedule to pay off its debt to TBN, nearly a year passed from when NMTV's board first discussed paying back TBN to the time it actually began doing so. MMB Ex. 386; Glendale Ex. 93; Jt. Ex. 1, p. 19. Finally, while Hill, like his fellow directors, voted to forgive Prime Time's debt to NMTV, there is no indication that he has ever pressed TBN to forgive NMTV's debt which arose from the construction and operation of the Odessa station. Tr. 1981.

120. Moreover, like Aguilar, Hill seemed to be quite ignorant of how NMTV operated. In this regard, Hill mistakenly thought McClellan, the Portland station manager, was a director of NMTV. Tr. 1920. He did not know how many low power stations NMTV owned or what programming they were broadcasting. Tr. 1925, 2029-30. He did not know how many directors NMTV could have. Tr. 1928. He did not know whether Crouch and/or Duff received any income from NMTV. Tr. 1935-6. He thinks Miller, TBN's head of engineering, is an employee of NMTV. Tr. 1939. Hill does not know how many hours per day NMTV's Portland station is on the air, and he mistakenly believes that the only TBN programming regularly carried by that station is the nightly three hour "Praise the Lord" program. Tr. 1946. Hill has no knowledge of McClellan's salary and mistakenly believes NMTV has between 40 to 50 employees. Tr. 1955-8. He had no knowledge of the Portland station's revenue, expenses or audience share for 1992 or 1993. Tr. 1961-2. Hill did not know how much money NMTV owed to TBN. Tr. 1979-80, 2002, 2017. He did not know what Duff's role was at TBN or with how many corporations other than NMTV she was involved. Tr. 2020-1. He did not know that the only programming broadcast on NMTV's low power stations was TBN programming. MMB Ex. 341, p. 6; Tr. 2043-5.

121. In late 1992 or early 1993, Juggert and Crouch became increasingly concerned about the possible negative effect on TBN and NMTV from adverse publicity concerning Aguilar's 1977 felony conviction for child assault. Tr. 3769-71. Following a "frank" discussion with Crouch, Aguilar submitted his resignation from NMTV's board. TBF Ex. 107, p. 180; TBF Ex. 107, Tab A, p. 87; Tr. 3772, 3774. To maintain the present level of

minority involvement and to keep a Hispanic presence on its board, Duff asked Armando Ramirez to replace Aguilar as its fourth director.<sup>23</sup> MMB Ex. 412; TBF Ex. 103, pp. 1, 8. At the time, Ramirez was a TBN program host and full-time pastor of El Siloe Presbyterian Church in east Los Angeles. TBF Ex. 103, p. 1.

122. Ramirez and Duff had known each other for a number of years. From 1979 to 1982, Ramirez was a volunteer assisting with the hosting and production of the Spanish Praise the Lord program at TBN. He also hosted Reporte Publico at TBN, where his supervisor was Duff. TBF Ex. 103, p. 5. After a ten year hiatus from TBN, Ramirez returned in 1992 to host a program on TBN, Our Town, and has since created a second program which is broadcast on CET's station in Houston. TBF Ex. 103, pp. 6-7; Tr. 4011-12. Ramirez joined the NMTV board because of his friendship with Duff. TBF Ex. 103, p. 8. For hosting Our Town, Ramirez receives about \$250 per month. Tr. 4011. His liaison for the program broadcast in Houston is Duff. Tr. 4034-5. Duff is Ramirez' second level supervisor for the Our Town program. Tr. 4030-2.

123. Immediately upon his election to the NMTV board, Ramirez, along with fellow directors Duff and Hill, voted to relieve Prime Time of its debt to NMTV. MMB Ex. 412. At the time, Ramirez did not know whether Prime Time's station in Odessa was a full power or a low power station, and he did not know the original amount of the debt, or how long it

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<sup>23</sup> Sometime between 1980, when Duff first asked Ramirez to join TTI's board of directors, and 1993, Ramirez became a citizen of the United States.

had been outstanding. Tr. 4066-7. Ramirez also did not know the condition of NMTV's finances. Tr. 4070-1. Ramirez understood that if Prime Time's debt were not forgiven, Prime Time would go bankrupt and TBN programming would no longer be carried by the Odessa station. Tr. 4116. Ramirez was shown no documents concerning Prime Time's financial situation or repayment efforts, and he did not consider foreclosing on the loan or proposing a revised payment schedule. Tr. 4117-8, 4072. It was not discussed with Ramirez how forgiving Prime Time's debt would help NMTV or whether action short of forgiving the debt was the better course. Tr. 4119-22. Ramirez did not receive an agenda prior to the vote to know what was going to be discussed at the meeting. Tr. 4109-10. Ramirez inferred that Prime Time was an affiliate of TBN, but did not know that Prime Time owed more than \$200,000 to TBN. Jt. Ex. 1, p. 31; Tr. 4072-5.

124. Subsequently, Ramirez participated at one other NMTV board meeting to determine whether NMTV should waive the attorney-client privilege relative to certain documents involving communications between NMTV/TBN and May. TBF Ex. 103, p. 9; Tr. 4039-40. The meeting occurred in Duff's office and she, Ramirez and Hickey were there, while Crouch, Hill and May participated by telephone. Tr. 4075-6. Ramirez was aware that May & Dunne represented both TBN and NMTV. Tr. 4077. The main item on the agenda was a possible conflict of interest. Tr. 4078. Before the meeting, Ramirez received orally an agenda of what was going to be discussed. Tr. 4110.

125. Ramirez understands that Duff functions as executive officer of NMTV. TBF

Ex. 103, p. 10. He has received and read a copies of NMTV's articles and bylaws. Tr. 4013-4. As far as Ramirez knows the board has not considered adding directors, nor has it considered adding a director from Portland. Tr. 4023-5. Ramirez understands that the officers of NMTV are Duff, Crouch, Hickey and Brown, although he does not know what Hickey and Brown do. Tr. 4033, 4046. Ramirez thinks NMTV can own 12 to 14 full power commercial television stations, but he understands that so long as Crouch is on the board, NMTV may be limited to its current holdings. Tr. 4111-13. Ramirez thinks NMTV has about 10 low power stations and that the programming comes from TBN and perhaps some local programming. Tr. 4113.

126. Ramirez does not know what engineering services TBN provides to NMTV, and he does not know whether NMTV employs an independent auditor, or the identity of the consulting engineers. Tr. 4053-4. Ramirez knows now but did not during his deposition know about how many employees NMTV has. Tr. 4054. Ramirez does not know about the billing arrangements between NMTV and litigation counsel. Tr. 4055. As far as Ramirez knows, Juggert is not a lawyer for NMTV. Tr. 4056. Ramirez is aware that TBN is providing accounting services for NMTV and that the agreement to provide business services (MMB Ex. 337) is in effect. Tr. 4081-4. Ramirez does not know whether NMTV has local (California) counsel, or whether NMTV has an engineer other than Miller. Tr. 4104-5.

127. Ramirez acknowledges that neither he nor his fellow directors have considered whether to carry programming other than TBN on the Portland station. Tr. 4088-9. He

does not know how many hours per day the Portland station operates, although he does know that the Portland station has originated some programming. Tr. 4092. Further, although he is aware of the production agreement involving the Joy program (MMB Ex. 383), and that McClellan is NMTV's Portland station manager, he does not know whether McClellan receives any compensation for the production of Joy or how many hours per week McClellan devotes to producing Joy. Tr. 4093-5. Ramirez does not know with respect to the program logs for Portland which portions are prepared by TBN and which by NMTV. Tr. 4101.

#### May's Treatment of NMTV

128. May's practice in billing TBN was to send one bill per month which included line items for each of the various TBN companies. With the next bill after the filing of NMTV's application to acquire the Odessa station in 1987, May included the first entry for NMTV.<sup>24</sup> May continued to include NMTV as an entry on TBN's bill until the summer of 1992, following petitions to deny directed against NMTV's application to obtain a television station in Wilmington, Delaware, and TBF's application in the instant proceeding. TBF Ex. 105, Tab D; Tr. 3298. May did not prepare a separate retainer letter for NMTV, and the rate charged was the same rate charged to all the other companies listed on TBN's bill. TBF Ex. 105, p. 6. Likewise, when May's billing rate changed in 1989, the rate charged was the same for TBN, NMTV and CET. MMB Ex. 239; Tr. 3320-1. May claims that he added

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<sup>24</sup> May's June 12, 1986, statement included an entry for TTI. However, May did not recall what service he performed. MMB Ex. 105; Tr. 3318.

NMTV to TBN's bill with Duff's knowledge and assent. He also claims that he sent NMTV's bill to TBN because he knew TBN was providing accounting services for NMTV. Tr. 2844, 3327-9.

129. Roughly contemporaneous with the filing of the applications to assign the Odessa and Portland permits to NMTV, May claims he discussed with Duff and Crouch that he had a potential conflict of interest in representing both TBN and NMTV. According to May, the potential conflict arose because loans were going to be made by TBN to NMTV. Tr. 3058-60, 3067. May maintains that, despite the potential conflict, Duff and Crouch gave him permission to continue to represent both TBN and NMTV. Tr. 3574-82. May never had a discussion with Espinoza about the existence of a potential conflict. Tr. 3061. Neither May's effort to bring the potential conflict to Duff's and Crouch's attention nor their response to him was ever reduced to writing. Unlike his understanding of the potential for conflict between TBN and NMTV, May regards all of the Trinity-named companies as basically the same client despite the existence of separate corporations. Tr. 3295-6.

#### TBN and NMTV Formalize Their Relationship

130. At some point before the filing of NMTV's application to acquire the Odessa station, May requested that TBN formalize its arrangement with TTI/NMTV regarding TBN's handling of funds. However, he did not explain why it was necessary or prudent to do so. Tr. 3714, 3873. As a result, the TTI board expressly authorized TBN's accounting

department to handle TTI funds and bills. MMB Ex. 125; Tr. 2313. Initially, TBN provided accounting services free of charge. Tr. 1424, 2331. On January 2, 1991, Duff prepared and executed, on NMTV's behalf, an agreement for the provision of business services whereby NMTV obligated itself to pay \$422.50 per month for four years for TBN's bookkeeping and accounting services. MMB Ex. 337. Those accounting services include preparation of NMTV's tax returns and financial statements, the latter of which are now segregated from TBN's. MMB Ex. 257; MMB Ex. 272; MMB Ex. 322; MMB Ex. 325; MMB Ex. 364; MMB Ex. 398; Tr. 2109, 2871, 2918-9, 2977. TBN has never charged NMTV for engineering services. Tr. 2330, 2332.

131. Following NMTV's filing of the Odessa application, May advised Duff that NMTV should hold its annual meetings separate from the annual meetings of TBN and its affiliated corporations. TBF Ex. 105, p. 19; Tr. 2684-5. Again, there is no evidence that May provided any explanation.<sup>25</sup> Tr. 3403-6. Thus, beginning in 1988 and continuing through 1992, NMTV has conducted its annual meetings outside of the group meetings of TBN and the other Trinity-named corporations. MMB Ex. 176; MMB Ex. 237; MMB Ex. 293; MMB Ex. 338; MMB Ex. 386.

132. Notwithstanding the advice concerning financial documentation and annual meetings, there is no indication that May ever advised NMTV to separate itself fully from

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<sup>25</sup> According to Duff, NMTV began to hold separate annual meetings because of a consensus of its board. No documentation concerning this consensus or any related discussion appears to exist. Tr. 1783.

TBN or develop a plan to do so. Tr. 2876, 4270. In this regard, from 1985 to the present, TBN and NMTV have had common assistant secretaries, each of whom is a TBN employee. In addition, NMTV's annual meetings, while separate, occur at the same time and at the same location as TBN's annual group meetings. MMB Ex. 91; MMB Ex. 101; MMB Ex. 124; MMB Ex. 176; MMB Ex. 205; MMB Ex. 236; MMB Ex. 237; MMB Ex. 293; MMB Ex. 294; MMB Ex. 338; MMB Ex. 339; MMB Ex. 385; MMB Ex. 386. Likewise, TBN and NMTV continued to share consultants, including May's firm and engineer Fisher.<sup>26</sup> MMB Ex. 406; Tr. 3056. Finally, Juggert (TBN's lawyer and one of its directors, but not a director of NMTV) has regularly attended NMTV board meetings, has taken the minutes and has kept the TTI/NMTV minute book. Tr. 3706, 3723.

#### Present Ownership Interests of TBN and NMTV

133. As noted, NMTV sold its Odessa station in April 1991. MMB Ex. 358. Shortly thereafter, TBN filed an application to assign the license of its Greensboro television station. Following the sale of the Greensboro station in December 1991, TBN and NMTV, together, have held licenses for 12 commercial television stations. MMB Ex. 402; TBF Ex. 105, Tab L, p. 1, n. 5.

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<sup>26</sup> In this regard, Crouch and Duff claimed that Miller was a consultant to NMTV. Tr. 1408; 2854. Miller used a number of different titles depending on the Trinity-related company for which he was providing services. MMB Ex. 378.

### Financial Situation of TBN and NMTV

134. The most recent financial statements for TBN and NMTV are those for calendar year 1990. The TBN statement shows a fund balance of \$114 million and cash and cash equivalents of \$15 million. TBN's *total* liabilities were slightly less than \$12 million. MMB Ex. 365, pp. 2-3. NMTV's statement reflects a total fund balance of \$643 thousand. Also, current assets totalled \$108 thousand while current liabilities totalled less than \$9 thousand. MMB Ex. 364, p. 2.

## 2. TBF Qualifying Issue

135. TBF is a Florida non-stock non profit corporation. TBF was incorporated in 1979 at the behest of Crouch. MMB Ex. 416; TBF Ex. 36, Tab A. TBF has held the license for Station WHFT(TV) since 1980. MMB Ex. 3; MMB Ex. 25, p. 2; TBF Ex. 36, p. 1.

136. Crouch has served continuously as TBF's president. Since 1985, TBF's three directors have been Crouch; Crouch's wife, Janice; and Juggert. During that same period, these individuals were the sole directors of TBN. MMB Ex. 91; MMB Ex. 101; MMB Ex. 124; MMB Ex. 236; MMB Ex. 294; MMB Ex. 339; MMB Ex. 385; MMB Ex. 407; TBF Ex. 36, p. 1; TBF Ex. 104, p. 1. Although at various times, TBF's board of directors consisted of individuals who were not also directors of TBN, TBF has always been considered and treated as an "owned and operated company" of TBN. MMB Ex. 25; MMB Ex. 39; MMB Ex. 55, p. 1; MMB Ex. 104, p. 4; MMB Ex. 127, p. 4; MMB Ex. 225, p. 3; MMB Ex. 291, p. 3; MMB Ex. 341, p. 6; Tr. 3849. In this regard, TBF's annual board meeting has always been held jointly with the annual meeting of TBN's board, and TBF has always been included in TBN's financial statements. MMB Ex. 3; MMB Ex. 48; MMB Ex. 50; MMB Ex. 55; MMB Ex. 61; MMB Ex. 70; MMB Ex. 86; MMB Ex. 91; MMB Ex. 93; MMB Ex. 101; MMB Ex. 110; MMB Ex. 124; MMB Ex. 156; MMB Ex. 211; MMB Ex. 236; MMB Ex. 260; MMB Ex. 294; MMB Ex. 323; MMB Ex. 339; MMB Ex. 365; MMB Ex. 385; MMB Ex. 407. TBF's bylaws have always contained special provisions which

protect Crouch's role as president. MMB/TBF Jt. Ex. 1.

137. Since the formation of the law firm of May, Dunne & Gay in 1983, Colby May has served as TBF's chief FCC counsel. TBF Ex. 105, pp. 2-3. May receives payment from TBN for the services he provides to TBF. TBF Ex. 105, Tab D. May views TBF as part of the Trinity organization. He also views TBF and TBN as one client. Tr. 3295-6, 3334-6.

138. TBF and TBN use virtually the same supervisory personnel. In this regard, Miller, TBN's vice president for engineering, supervises the chief engineer of WHFT(TV). Glendale Ex. 210, pp. 11, 29, 138-40; Glendale Ex. 151. Likewise, TBN personnel are involved in the preparation of all TBF tax returns, and the TBN director of finance supervises the WHFT(TV) station manager. MMB Ex. 317; Tr. 2871, 2911, 2918-9. TBN personnel also oversee TBF's ascertainment, programming and personnel. TBF Ex. 32, pp. 7-9; TBF Ex. 33, p. 25; TBF Ex. 34, pp. 1, 3; Tr. 2448-50.

### 3. Renewal Expectancy

#### Relevant Time Period

139. The relevant time period for purposes of determining TBF's entitlement to a renewal expectancy is from February 1, 1987, the beginning of the most recent license term, to December 27, 1991, the date that Glendale filed its captioned application.<sup>27</sup> Hereafter, this period will be referred to as the "renewal period."

#### Community Ascertainment

140. TBF made a continuous effort during the renewal period to ascertain the needs, interests and concerns of Miami and adjacent south Florida communities. TBF ascertained needs by having its Public Affairs Director interview at least 25 community leaders<sup>28</sup> by telephone every three months. TBF Ex. 32, p. 12; TBF Ex. 33, pp. 1-2. In addition, TBF's Public Affairs Director read local daily newspapers of general circulation (Miami Herald and Fort Lauderdale Sun Sentinel) and weekly magazines (Time and U.S. News &

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<sup>27</sup> The Presiding Judge has ruled that the relevant period is the license term; however, he proposed to give little or no weight to activities occurring after Glendale filed its competing application. Tr. 389. Thus, as a practical matter, the relevant period ended with the filing of Glendale's application.

<sup>28</sup> TBF's Public Affairs Director identified community leaders by reference to newspaper accounts, by noting who is being identified as a community leader by other media, and by research. TBF Ex. 33, pp. 4-5.

World Report). The Public Affairs Director also viewed and listened to other stations' coverage of local events, and reviewed the monthly agenda of the Miami City Commission to obtain insight into the area's most pressing problems. TBF Ex. 32, pp. 12-3; TBF Ex. 33, pp. 3-4; TBF Ex. 33, Tab B.

141. Once every three months, TBF interviewed at least one community leader from each of the following 19 categories: agriculture; business; charities; civic, neighborhood, or fraternal organizations; consumer services; culture; education; environment; government; labor; military; minority or ethnic; elderly; women's; professions; youth; public safety, health and welfare; recreation; and religion. TBF asked community leaders to identify what they thought were the three most significant problems and needs in the service area. TBF recorded the responses on a Community Leader Sample form. TBF Ex. 33, pp. 4-6 and Tabs C and D. In addition, TBF asked some, but not all, of the persons who called the station's "Prayer Line" to identify three problems. TBF recorded the responses on an ascertainment form. TBF Ex. 32, p. 12; TBF Ex. 33, pp. 3-4; TBF Ex. 33, Tab B.

142. During each calendar quarter, TBF's Public Affairs Director kept a running count of the problems and needs mentioned by all the sources reviewed. TBF Ex. 33, p. 13; TBF/Glendale Jt. Ex. 2. Twice each quarter, a written report of these problems and needs was prepared. TBF sent the reports to TBN's Public Affairs Department in California. TBF Ex. 34, p. 3. Within days after the calendar quarter ended, TBN's Public Affairs Department sent to TBF a network "Problems/Programs" list for the preceding quarter,

which listed programs that were responsive to the top ten issues ascertained by TBN network stations. In the meantime, TBF's Public Affairs Director began preparing a second report ("Final Report"), which included a list of the top five problems ascertained that quarter as well as some, but not all, of the local programs which had addressed those problems. Upon receipt of the TBN "Problems/Programs" list, TBF's Public Affairs Director took information concerning programs which were responsive to Miami area problems and incorporated them into TBF's "Final Report" for the quarter. TBF then placed the Final Report in the WHFT(TV) public file. TBF Ex. 33, pp. 6-9.

143. For part of the license term, TBF's Public Affairs Director worked with WHFT(TV)'s Production Manager to book guests on the station's community service oriented programs. At other times, the station's Public Affairs Director not only conducted the community leader interviews but also booked the guests who discussed the issues. TBF Ex. 32, p. 13. In booking guests, TBF's Public Affairs Director concentrated on ensuring that the top five problems received coverage. TBF Ex. 33, p. 14.

144. In addition to conducting ascertainment interviews, TBF's Public Affairs Director researched topics for discussions on WHFT(TV)'s public affairs programs. In determining topics and scheduling guests, WHFT(TV)'s Public Affairs Director received input and final approval from TBN. TBF Ex. 33, pp. 14-5; TBF Ex/ 34, pp. 1-2; TBF Ex. 34, pp. 4-5.

### Responsive Programming

145. During the renewal period, WHFT(TV) broadcast two regularly scheduled locally produced public affairs programs and one locally produced program which included interviews with local clergy and community leaders as well as music. TBF designed these programs to address the problems and needs identified during the ascertainment process. In addition, WHFT(TV) broadcast general interest programs that regularly examined subjects of local or national interest. The programs are listed below.

### Local Programming

146. Feedback TBF broadcast this one half hour public affairs program between one and three times per week throughout the majority of the license term. From February 2, 1987, through March 30, 1987, Feedback was broadcast on Mondays at 9:30 a.m., Fridays at 2:30 a.m. and Saturdays at 2:30 a.m. From April 3, 1987, through May 25, 1987, Feedback was broadcast on Mondays at 9:30 a.m. and Fridays at 2:30 a.m. From June 8, 1987, through August 29, 1990, Feedback was broadcast on Mondays at 12:30 p.m. In addition, from January 27, 1988, through August 29, 1990, WHFT(TV) broadcast Feedback on Wednesdays at 5:00 a.m. From June 24, 1988, through February 22, 1989, WHFT(TV) also broadcast Feedback on Saturdays at 2:30 a.m. From July 5, 1989, through May 30, 1990, WHFT(TV) broadcast Feedback on Thursdays at 1:30 a.m. in addition to the Monday and Wednesday broadcasts. Between September 5, 1990, and March 20, 1991, and on April

10, 1991, the program aired only at 5:00 a.m. on Wednesdays. On June 7, 1991, WHFT(TV) broadcast a Feedback program at 12:00 noon. Beginning July 7, 1991, through December 29, 1991, WHFT(TV) broadcast Feedback on Wednesdays at 5:00 a.m., Thursdays at 11:30 a.m. and Saturdays at 8:30 a.m. TBF Ex. 32, pp. 22-4; TBF Ex. 33, pp. 10-2; TBF/Glendale Jt. Ex. 3, p. 1.

147. Feedback was a panel discussion and audience participation program produced by WHFT(TV). The host/moderator and guests discussed issues of importance to the people of Miami and surrounding communities and answered questions posed by the audience. Each program generally focused on a particular issue. TBF Ex. 32, p. 24; TBF Ex. 33, p. 12.

148. Feedback was produced in response to ascertained issues. TBF Ex. 32, p. 13. Issues covered included: aging (TBF Ex. 33, pp. 22-3, 62); AIDS (TBF Ex. 33, Tab H, pp. 48, 115, 140-1); alcohol and drug abuse (TBF Ex. 33, Tab H, pp. 79, 211, 234, 254, 269, 291; Tab HH, pp. 7, 32, 69-70, 129-30, 136, 159-60); child abuse (TBF Ex. 33, Tab H, p. 227); cost of living/poverty (TBF Ex. 33, Tab H, p. 249; Tab HH, pp. 79-80, 138, 165-6); crime/pornography (TBF Ex. 33, Tab H, pp. 7, 77, 120, 139, 161-2, 207-8, 230-2, 250-1, 265-7, 289; Tab HH, pp. 3-5, 47-8, 67, 126, 157); discrimination/minorities (TBF Ex. 33, Tab H, pp. 141, 187); education (TBF Ex. 33, Tab H, pp. 109, 255-6, 271, 293; Tab HH, pp. 13, 82); health care (TBF Ex. 33, Tab H, pp. 148, 237, 273-4; Tab HH, p. 16); the homeless (TBF Ex. 33, Tab HH, pp. 143); pollution and the environment (TBF Ex. 33, Tab H, pp. 151, 277, 295); transportation (TBF Ex. 33, Tab H, p. 86); unemployment (TBF

Ex. 33, Tab HH, p. 164); and youth (TBF Ex. 33, Tab H, pp. 64, 87).

149. Participants in programs covering alcohol and drug abuse included the executive director of a half-way house for men and women with drug and alcohol problems; the supervisor of the perinatal addiction unit and special project coordinator of Broward County; doctors; the director of a residential drug and alcohol rehabilitation program; and the pastor of a regeneration program. TBF Ex. 5, p. 1; TBF Ex. 10; TBF Ex. 12; TBF Ex. 15; TBF Ex. 33, Tab H, p. 79. Guests discussing crime and the criminal justice system included local commanders of Crimestoppers; a Miami detective; two former leaders of rival Miami street gangs; the executive director of an organization that seeks to rehabilitate street gang leaders and members; the Broward County Sheriff and the Chief Judge of Broward County. TBF Ex. 17, p. 2; TBF Ex. 20, p. 2; TBF Ex. 26; TBF Ex. 33, Tab H, pp. 139, 207-8. In a discussion focusing on pornography, participants included an ex-FBI agent and the executive director of the ACLU of Florida. TBF Ex. 33, Tab H, p. 230. In an episode which focused on AIDS, guests included a gynecologist, a representative of a company that distributes condoms, a registered nurse and a minister. TBF Ex. 33, p. 48.

150. South Florida Public Report WHFT(TV) broadcast this locally produced half hour program between March 27, 1991, and July 10, 1991. South Florida Public Report was broadcast on Saturdays at 8:30 a.m. and on Wednesdays at 5:30 a.m. The host interviewed one or two guests in connection with issues of importance to the people of Miami and surrounding communities. Each program was devoted to a particular issue. TBF Ex. 32, p.

24; TBF Ex. 33, p. 12.

151. South Florida Public Report was produced in response to ascertained issues. TBF Ex. 32, p. 13. Issues that were covered included: cost of living/inflation/economy (TBF Ex. 33, Tab HH, pp. 109, 112); crime (TBF Ex. 33, Tab HH, pp. 98, 126); drug and alcohol abuse (TBF Ex. 33, Tab HH, p. 100); education (TBF Ex. 33, Tab HH, pp. 106-7, 139); and the homeless (TBF Ex. 33, Tab HH, p. 112-3).

152. Miami Praise the Lord This two hour locally produced program airs at least once a week. One half hour of the show consists of music; the remainder contains interviews of guests. Some, but not all, of the interviews occur in connection with issues of importance to the people of Miami and surrounding communities. TBF Ex. 32, p. 25; TBF Ex. 33, p. 14. An average of three guests are interviewed per program. Guests are interviewed separately. TBF/Glendale Jt. Ex. 4, p. 3.

153. From February 2, 1987, to September 1990, Miami Praise the Lord was broadcast on Fridays at 11:30 a.m. Beginning in September 1990, a second Miami Praise the Lord was broadcast on Thursdays at 11:30 a.m. TBF Ex. 32, pp. 24-5.

154. Segments of Miami Praise the Lord were produced in response to ascertained issues. TBF Ex. 32, p. 13. Issues that were discussed included: abortion (TBF Ex. 33, Tab H, p. 224); singles/family (TBF Ex. 33, Tab H, p. 163); child abuse (TBF Ex. 33, Tab

H, p. 226); crime (TBF Ex. 33, Tab H, pp. 50, 76, 101-2, 186, 265, 268, 289-90; Tab HH, pp. 4, 44-7, 66, 157); discrimination/minorities (TBF Ex. 33, Tab H, pp. 35, 122, 140); drug and alcohol abuse (TBF Ex. 33, Tab H, pp. 54, 79, 120-1, 142, 159, 181-2, 209-10, 233, 253, 291; Tab HH, pp. 6-7, 30-1, 40, 68-9, 100, 129, 158-9); the economy (TBF Ex. 33, Tab H, p. 25); education (TBF Ex. 33, Tab H, pp. 124, 188-9, 213, 255, 270-1; Tab HH, pp. 13, 49, 81-2, 140); growth/population (TBF Ex. 33, Tab H, p. 126); health care/AIDS (TBF Ex. 33, Tab H, pp. 8, 37, 48, 58, 74, 115, 148; Tab HH, p. 15); homelessness (TBF Ex. 33, Tab H, pp. 38; Tab HH, pp. 51-2, 85-6, 167-8); senior citizens/aging (TBF Ex. 33, Tab H, p. 61); inflation/cost of living/poverty (TBF Ex. 33, Tab H, pp. 100, 248; Tab HH, pp. 3, 40-2, 78-9, 165); pornography/obscenity (TBF Ex. 33, Tab H, pp. 296-7); transportation (TBF Ex. 33, Tab H, p. 62); youth/children (TBF Ex. 33, Tab H, pp. 14, 39, 63, 93, 127-8, 196).

155. In discussing the problems of the poor and homeless, WHFT(TV) has interviewed the associate pastor of a church with outreach programs for needy people; the executive director of a local organization which collects and distributes food and clothing to the homeless and needy; an individual who distributes food to the homeless on Sundays; the president of a shelter program in downtown Miami; and a Miami policeman who disguised himself as a homeless person. TBF Ex. 2; TBF Ex. 6; TBF Ex. 7; TBF Ex. 14; TBF Ex. 30; TBF Ex. 33, Tab H, p. 38. In segments pertaining to drug and alcohol abuse, participants included persons in charge of rehabilitation facilities for men and women with drug and alcohol problems; the pastor of a ministry that deals with problems of addiction and

provides literacy training for former drug abusers; and an information officer of the Florida Highway Patrol. TBF Ex. 5, p. 1; TBF Ex. 12; TBF Ex. 18; TBF Ex. 19; TBF Ex. 21; TBF Ex. 24. Segments discussing child abuse featured a victim of abuse (TBF Ex. 33, Tab H, p. 26); the founder of a home providing residential care for abused and neglected children (TBF Ex. 9); and a person associated with a facility that houses boys sent from the local courts (TBF Ex. 33, Tab H, p. 39). In a segment which discussed employment discrimination, the featured guest was the supervisory administrative judge for the EEOC. TBF Ex. 33, Tab H, p. 35.

156. In May 1991, the station produced a half-hour program entitled "Homeless" which focused on the lack of places in the Miami area for the homeless to find help. TBF Ex. 7, p. 5. The station did not broadcast news, traffic, weather or sports on a regular basis. TBF Ex. 32, pp. 15-6.

#### TBN Network Programs

157. Joy was a general interest program broadcast by WHFT(TV) from Monday through Friday between 6 and 8 in the morning. From the beginning of the renewal period until the end of March 1990, the program was one hour in length. Thereafter, the program was a half hour. TBF/Glendale Jt. Ex. 3, p. 1. Program segments included music, cooking and discussions involving one or two guests. Some of the interviews consisted of discussions about problems and their solutions. Although the program was produced in southern

California and focused on problems occurring there, the discussion covered the issue from both a local and a national perspective. TBF Ex. 32, pp. 27-8; TBF/Glendale Jt. Ex. 3, p. 2.

158. Issues that were covered included: AIDS (TBF Ex. 33, Tab H, pp. 32, 75, 99, 116); child abuse (TBF Ex. 33, Tab H, pp. 227-8); crime (TBF Ex. 33, Tab H, pp. 33-4, 52, 77-8, 102, 118-9, 139, 208, 232, 251-2, 267-8, 290; Tab HH, pp. 5, 67, 99, 127); discrimination/minorities (TBF Ex. 33, Tab H, p. 103-4, 124, 141, 188); drug and alcohol abuse (TBF Ex. 33, Tab H, pp. 6, 35, 54-5, 80, 106-8, 122, 142, 144, 159-61, 182, 212, 235, 269-70, 292; Tab HH, pp. 10-1, 32-6, 72-3, 106, 131-4, 160-2); education (TBF Ex. 33, Tab H, pp. 36, 57-8, 81, 145-7, 171-2, 190-1, 214-5, 256, 272, 294; Tab HH, pp. 13-5, 50, 142); growth/population (TBF Ex. 33, Tab H, p. 125); health care (TBF Ex. 33, Tab H, pp. 11, 13, 38, 59, 61, 85, 109-10, 149, 164-5, 192-5, 238-9, 274-5; Tab HH, p. 16); homelessness (TBF Ex. 33, Tab H, pp. 24, 39; Tab HH, pp. 52-4, 87, 143); inflation/cost of living/poverty (TBF Ex. 33, Tab H, pp. 100-1, 169, 184-5, 249-50; Tab HH, pp. 43, 80, 109-10, 139, 167); pollution and the environment (TBF Ex. 33, Tab H, pp. 215-6, 278, 295); senior citizens/aging (TBF Ex. 33, Tab H, pp. 62, 152-3); singles/family (TBF Ex. 33, Tab H, p. 163); transportation (TBF Ex. 33, Tab H, p. 126-7); unemployment (TBF Ex. 33, Tab H, p. 25); youth/children (TBF Ex. 33, Tab H, pp. 18-9, 39-41, 63, 65-6, 87, 89, 92, 130, 166, 168, 196-8).

159. Praise the Lord was a general interest program that varied between two and