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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In re Applications of	)	MM DOCKET NO. 93-156
	)	
<b>TRINITY CHRISTIAN CENTER OF SANTA ANA, INC., d/b/a TRINITY BROADCASTING NETWORK</b>	)	File No. BRCT-911129KR
	)	
For Renewal of License of	)	
Station WHSG(TV) (Channel 63),	)	
Monroe, Georgia	)	
	)	
<b>GLENDALE BROADCASTING COMPANY</b>	)	File No. BPCT-920228KE
	)	
For a Construction Permit for	)	
a New TV Station on Channel 63	)	
at Monroe, Georgia	)	

To: Administrative Law Judge  
Joseph Chachkin

**MASS MEDIA BUREAU'S  
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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## Summary

This is a proceeding to determine whether the application of Trinity Broadcasting Network ("Trinity") , for renewal of license of Station WHSG(TV), Channel 63, Monroe, Georgia, should be granted over the competing application of Glendale Broadcasting Company ("Glendale") for a construction permit for a new commercial television station on the same channel.

A basic qualifying issue was specified to determine whether Glendale is entitled to a short-spacing waiver. For the reasons discussed more fully below, the Mass Media Bureau concludes that circumstances exist which warrant a waiver in this instance. Accordingly, the Bureau recommends that a waiver of § 73.610 of the Commission's Rules be granted to Glendale.

Trinity has claimed a renewal expectancy in this proceeding for its operation of Station WHSG(TV). The Bureau submits that the record evidence supports the grant of a renewal expectancy to Trinity.

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## I. Preliminary Statement

1. By Hearing Designation Order, 8 FCC Rcd 4038 (1993) ("HDO"), the Commission designated the above-captioned applications of Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network ("Trinity") and Glendale Broadcasting Company ("Glendale") for hearing in a comparative proceeding. The applications are mutually exclusive because Glendale proposes to construct a new, full-power commercial television station on the same channel in Monroe, Georgia, on which Trinity is presently operating a full-power commercial television station.

2. The HDO, at ¶ 5, specified the following issues:

(1) To determine with respect to Glendale Broadcasting Company:

(a) if circumstances exist which would warrant waiver of Section 73.610 of the Commission's Rules.

(b) whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.<sup>1</sup>

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<sup>1</sup> By Order, FCC 93M-492 (released July 27, 1993), the Presiding Judge acknowledged receipt of a Federal Aviation Administration "Determination of No Hazard to Air Navigation," granted summary decision of the issue, and imposed the following condition upon Glendale:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operations, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after one year of interference free operation.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

3. The HDO, at n. 1, made the grant of Trinity's renewal application in the instant proceeding "subject to whatever action the Commission deems appropriate in light of the final resolution of Issues a and b as specified in the Hearing Designation Order, 8 FCC Rcd 2475 (1993), in the Miami [Florida] proceeding, MM Docket No. 93-75."<sup>2</sup> Furthermore, by Order, FCC 93M-516 (released August 10, 1993), the Presiding Judge imposed the following condition:

Any grant of Glendale Broadcasting Company's application in the instant proceeding shall be subject to whatever action the Commission deems appropriate in light of the final resolution of the issue specified in Memorandum Opinion and Order, FCC 93M-469, released July 15, 1993, in MM Docket No. 93-75.<sup>3</sup>

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<sup>2</sup> Issue (a) of the Miami Hearing Designation Order states:

(a) To determine whether Paul F. Crouch, Trinity Christian Center of Santa Ana, Inc. d/b/a Trinity Broadcasting Network (Trinity) or its affiliates exercised *de facto* control over National Minority TV, Inc. (NMTV).

Issue (b) of the Miami Hearing Designation Order states:

(b) To determine whether NMTV, Paul F. Crouch, Trinity or its affiliates or principals abused the Commission's processes by using NMTV to evade the provisions of Section 73.3555(e) of the Commission's Rules and/or by using NMTV to improperly claim minority preferences in LPTV applications.

<sup>3</sup> The issue added in the Miami Memorandum Opinion and Order states:

To determine whether Raystay Company misrepresented or lacked candor in low power television applications for extensions of broadcast construction

Also, by Memorandum Opinion and Order, FCC 93M-640 (released October 7, 1994), the

Presiding Judge imposed the following condition:

Any grant of Glendale Broadcasting Company's application in the instant proceeding shall be made subject to whatever action the Commission deems appropriate in light of the final resolution of the issue specified in Memorandum Opinion and Order, FCC 93M-631, released October 4, 1993, in MM Docket No. 93-75.<sup>4</sup>

4. Hearing sessions were held in Washington, D.C., on May 17 and 18, 1994. The record was closed on August 9, 1994. See Order, FCC 94M-473 (released August 11, 1994).

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permits and, if so, the effect thereof on Glendale Broadcasting Company's qualifications to be a licensee.

<sup>4</sup> The issue added in the Miami Memorandum Opinion and Order stated:

To determine whether Raystay Company made misrepresentations or lacked candor in its application to assign the construction permit of low power television station W23AY, Red Lion/York, Pennsylvania (BAPTL-920114IB), and, if so, the effect thereof on Glendale Broadcasting Company's qualifications to be a licensee.

## II. Proposed Findings of Fact

### A. Glendale's Waiver Issue

5. Glendale proposes to locate its transmitting antenna for a new TV station on Channel 63 at Latitude 33° 44' 38", Longitude 84° 00' 39". From that site, Glendale's antenna will be located 262.40 km from the current reference point for the vacant allotment for Channel 63 at Montgomery, Alabama. Pursuant to § 73.610(b) of the Commission's Rules, the minimum required separation between co-channel stations is 280.8 km. Consequently, Glendale's proposal is short-spaced to the current reference point in Montgomery by 18.4 km. (Glendale Ex. 3).

6. Trinity's Station WHSG(TV) is also short-spaced to the current reference point for Channel 63 in Montgomery. However, WHSG(TV) was not always short-spaced. In 1989, WHSG(TV) was granted authority to relocate to its present site which was fully spaced to the then-authorized location for Station WTSU-TV, Channel 63, Montgomery, Alabama. In 1990, however, the Commission cancelled the WTSU-TV construction permit. Consequently, the reference point to which WHSG(TV) had been fully spaced (the WTSU-TV site) reverted to the original vacant allotment location, *i.e.*, the main Post Office in Montgomery, Alabama. Station WHSG(TV) is short-spaced by 18.14 km to the Post Office in Montgomery, the current reference point for the vacant Channel 63 allotment in that community. (Glendale Ex. 3).

7. Glendale proposes to transmit from a location that is 0.26 km closer to the current Montgomery reference point than the WHSG(TV) transmitter site. Thus, Glendale's proposal, if granted, would exacerbate an existing short-spacing situation. (Glendale Ex. 3).

8. In support of its request for a short-spacing waiver, Glendale states that it attempted to locate a transmitter site that would be as close as possible to WHSG(TV)'s existing antenna without aggravating the existing short-spacing situation between WHSG(TV) and the Montgomery reference point. Toward this end, Glendale initially proposed a site which would have been 1.78 km farther away from the Montgomery reference point than the WHSG(TV) antenna. However, in response to Federal Aviation Administration ("FAA") concerns, Glendale was compelled to abandon its initial site. Glendale subsequently amended its application to specify its current site which has since received FAA approval. At no time did Glendale attempt to locate a fully-spaced site. (Glendale Ex. 3; Jt. Ex. 7; Jt. Ex. 8).

9. In further support for its request for a short-spacing waiver, Glendale asserts that the 0.26 km increase in short-spacing constitutes a de minimis distance. Glendale further states that its proposal would provide greater protection to the Montgomery allocation than a hypothetical fully-spaced station operating with maximum authorized facilities. Glendale also argues that a grant of its application would not materially reduce the area within which an applicant for the Montgomery channel could locate a site. (Glendale Ex. 3).

## B. Trinity's Renewal Expectancy<sup>5</sup>

10. Station WHSG(TV) began broadcasting with Program Test Authority on February 22, 1991. At that time, the station broadcast 16 hours a day. It incrementally increased its broadcast schedule to 24 hours a day on February 28, 1991. Since then, with the exception of Sundays, when the station shuts down for four hours for maintenance and repairs, the station has operated 24 hours a day. P. 1. The license term is from February 22, 1991, through the end of February 1992. (Trinity Ex. 33, P. 1).

11. Scott W. Jackson ("Jackson") was WHSG(TV)'s station manager from February 22, 1994, through July 9, 1993, when he resigned. Jackson's duties included maintenance of the station's public file and preparation of the station's Quarterly Reports. Station WHSG(TV)'s first Quarterly Report was for the period from when the station first went on the air in late February 1991, to the end of March 1991. During the time period covered by the first Quarterly Report, neither Jackson nor any member of the station's staff did any ascertainment of the needs and problems of the local service area. The first Quarterly Report was prepared in California by personnel at the Trinity Broadcasting Network ("TBN") network and sent to the station. Jackson does not know the source of the problems identified in the report. A copy of the report as received from California was placed in the station's public file. (Pp. 1 and 3).

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<sup>5</sup> Unless otherwise specified, the source for information contained in this section is Trinity Exhibit 32. Page numbers and tab letters for the information will be referenced at the end of each paragraph.

12. The Quarterly Report for the first quarter consists of programs broadcast over the TBN network to meet specified Issues/Problems. The Issues/Problems addressed were "Education/Schools," "Crime," and "Drug/Alcohol Abuse." The problems were addressed in TBN segments such as "The 700 Club." (Tab B).

13. During the second quarter, April, May and June, 1991, Jackson ascertained community problems by reading the Atlanta Journal Constitution newspaper on a daily basis. He cut out and tallied articles that mentioned particular issues or problems. He sent a Preliminary Report,<sup>6</sup> listing the top five issues/problems to TBN's Department of Public Affairs. In subsequent calendar quarters, Jackson also telephoned and interviewed community leaders to ascertain issues and problems in the Monroe community. After completing his calls, he tallied the problems identified in the newspapers with those identified by community leaders. His general procedure was to count the number of mentions of each issue/problem in the leader interviews and in the newspaper, and rank the issue/problem based on the total number of mentions.<sup>7</sup> He then prepared a list of the top five issues/problems which he sent to TBN's Public Affairs Department in California. The reason for sending the list of top five issues and problems to TBN's Department of Public

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<sup>6</sup> Preliminary reports were prepared after the first month or six weeks of each calendar quarter. (P. 3).

<sup>7</sup> During the first quarter of 1992, comments made by viewers who called the station were also considered in compiling the issues/problems list. In the fourth quarter 1991, only community leader interviews were used to prepare the list. (Pp. 6 and 7).

Affairs was so that the public affairs programming of TBN would be responsive to the needs and problems ascertained to exist in the WHSG(TV) service area. (Pp. 3, 4 and 6).

14. During the third and fourth calendar quarters of 1991, Jackson and another employee interviewed 75 Atlanta community leaders. During the first quarter of 1992, 25 Atlanta leaders were interviewed. Interviewees were asked to identify what they thought were the three most significant problems and needs in the service area. (Pp. 4 and 5).

15. In conducting his ascertainment of community leaders, Jackson attempted to identify and interview at least one leader representing each of 19 different categories of organizations. These categories included government, business, military, agriculture, education, religion, civic and fraternal, minorities, women, culture, recreation, the elderly and environment. Information obtained during each interview was recorded on a "Community Leader Interview Form." (P. 5 and Tab D).

16. At the end of each calendar quarter, the station would send a final report on the top five issues/problems identified to TBN's Public Affairs Department. Jackson would receive information back from the Public Affairs Department concerning the programs broadcast by TBN during the quarter which were responsive to the station's ascertained problems and needs. Jackson incorporated the programming information received from TBN's Public Affairs Department in the Station's Quarterly Report which was placed in WHSG(TV)'s public file. (P. 8).

17. At TBN, copies of WHSG(TV)'s identified problems and needs were transmitted by the Public Affairs Department to the network's Network Program Director, Lindee C. Connolly ("Connolly") in California. Connolly would meet periodically with representatives of TBN's production department in California and tell them what problems and issues the TBN-owned stations had reported were most important. Connolly also used the list of problems provided by the Public Affairs Department in scheduling guests for appearances on particular shows. She would select guests to discuss or treat a particular problem identified on the lists of problems submitted by the various TBN-owned stations. Guests were requested to discuss problems from a local as well as national point of view. For example, a guest discussing crime might mention how a viewer could get in touch with the local Neighborhood Watch Program. Each quarter, Connolly made sure that she scheduled a guest on a program to discuss each of the top five problems identified by the TBN-owned stations. She maintained a chart to show problems and the program on which the problem was addressed. On occasion, when Connolly would become aware of a specific problem in a community she would schedule a public service announcement ("PSA") to respond to that problem or cause a currently running PSA to run more frequently. (Trinity Ex. 33).

18. During the license term, from February 22, 1991, through the end of February 1992, all of the public affairs programming broadcast by WHSG(TV) was produced in Southern California as part of TBN's network service. Station WHSG(TV) did not broadcast any locally produced public affairs programs or PSAs. A studio for the production of such

programming had not yet been built. Trinity was in the process of acquiring land to build a studio, but the facility was not ready during the license term. The station also did not broadcast any programming that would be noted on the log as "political." No candidates asked for time on the station. (P. 8).

19. Station WHSG(TV) broadcast TBN network programming during the license term which was directed at the educational and informational needs of children. Among the programs broadcast were:

Joy Junction (Sat. 10:00 to 10:30 a.m.) featured a western theme and a studio audience of children between the ages of six and twelve. The sheriff teaches a moral lesson usually based on a scripture verse. Among themes taught were cooperation, respect for parents, and respect for others. Also taught were art, music and lessons about interpersonal relationships.

Davey and Goliath (Sat 9:00 to 9:30 a.m.) is a "claymation" show featuring a boy and his dog. Their adventures involve a moral lesson about good behavior. The show is directed at children in the two to six year old age group.

Real Videos (Sat. 1:00 to 1:30 p.m. or Sun. 1:00 a.m. to 1:30 a.m.) is a music video show designed to appeal to pre-teens and teenagers. The program featured travel to different locations and provided moral lessons.

Gospel Bill Show (Sat. 9:30 to 10:00 a.m.) has a western theme featuring a sheriff who interacts with town folk. In each show the sheriff and the other characters impart a moral lesson based on Bible scripture. The program appeals to children 6 to 12 years of age.

John Jacobs and the Power Team (Sat. 1:00 to 1:30 or 1:30 to 2:00 p.m.) features strong man John Jacobs. Between feats of strength, Jacobs talks about teen oriented issues such as peer pressure and the danger of drugs. The program appeals to teens and pre-teens.

Circle Square (Sat. 10:30 to 11:00 a.m.) was hosted by teenagers and featured music, skits and travel segments. Youths participate in skits modelled on real life situations. Hosts would take a camera to different locations where

differences in culture and language would be discussed. The program appeals to the 10 to 16 year old age group.

Other programs broadcast by WHSG(TV) during the license term directed at youth included Meadow Lark Lemon, Dallas Holm, Superbook, Flying House, Quiqley's Village, The Filling Station and Why wait. For the most part, these programs, like the ones discussed above, were designed to provide youthful viewers with moral lessons based on a Biblical perspective. (Pp. 10-16).

20. During the license term, WHSG(TV) broadcast TBN network programming that included segments which Trinity claims addressed matters of public interest in the WHSG(TV) service area. Among the programs broadcast were:

Joy a one half-hour program broadcast daily, Monday through Friday at 9:30 a.m. The program featured discussions of community problems and needs with one or two guests per program. Although produced in California, the host made it a point to discuss issues from both a national and local perspective. For example, a discussion of alcohol abuse would include information on where one could find help in one's own community.

Feedback is a half hour program which was broadcast by WHSG(TV) at different times during the license term. It featured a host moderated discussion of an important issue. During the license term, each problem ascertained by WHSG(TV) was the subject of a program.

Praise the Lord featured guests from the Atlanta area at least twice during the license term. The program also regularly featured discussions of crime, drug and alcohol abuse, and education. The two hour show was broadcast Monday through Friday at 10:00 p.m. and rebroadcast the next day throughout the license term.

Calling Dr. Whitaker features a doctor discussing health problems such as the effect of a person's life style and mental outlook on their health. The doctor also speaks about general health concerns such as good nutrition and dieting. The program was broadcast once a week at either 11:30 a.m. or 2:00 p.m., and rebroadcast once more each week.

A Call to Action was hosted by an attorney who discussed contemporary legal issues such as prayer in schools and sex education. The program was broadcast weekly at 8:30 p.m. and rebroadcast once a week at a different time.

The 700 Club was produced by the Christian Broadcasting Network. It included discussion segments treating issues such as crime, drug and alcohol dependency and education. The program was approximately one-hour in duration and was broadcast over the station beginning at 3:00 p.m. (See program listings at Tab B.).

Other programs broadcast during the license term which dealt with public interest concerns were Treasures Out of Darkness, The Doctor and His Word and A Date With Dale (featuring Dale Evans Rogers) (Trinity Ex. 33, p. 7). (Pp. 16 - 19).

21. In addition to the above network-produced programming, WHSG(TV) broadcast the Sunday morning worship services of three churches in Atlanta. Two of these programs were broadcast nationwide on the TBN network, and one was only broadcast in the WHSG(TV) service area. (Pp. 19-21).

22. Finally the station also broadcast a number of PSAs during the license term. These PSAs were contained in network programming provided by TBN. On the average, between 25 and 30 of these network PSAs were broadcast each week. PSAs carried on the station during the license term covered matters pertaining to: conservation/environment, discrimination/minority groups, drug/alcohol abuse, education/schools, family relationships, federal government/information, health care, human relationships, missing children, patriotism, prevention of cruelty to animals, safety, senior citizens/elderly, the handicapped, child abuse, and youth/children. Among organizations supplying PSAs which were broadcast by WHSG(TV) during the license term were: Child Help USA, Drug Free America, United Negro College Fund, U.S. Army, Parent Teachers Association, American Medical

Association, March of Dimes, Salvation Army, Red Cross, American Veterans, U. S. Air Force, AARP, National Federation of the Blind, and Youth for Understanding. (P. 21 and Tab B).

### III. CONCLUSIONS OF LAW

#### A. Glendale's Waiver Issue

1. The issue to be decided is whether circumstances exist which warrant the grant to Glendale of a waiver of § 73.610 of the Commission's Rules. Section 73.610 requires that the co-channel television stations at issue here be separated by at least 280.8 km. In the instant case, Glendale proposes to be located only 262.40 km from the reference point for a vacant allotment on Channel 63 at Montgomery, Alabama. Accordingly, Glendale's site is 18.4 km short-spaced.

2. Although a short-fall of 18.4 km is a considerable amount, the Bureau notes that Trinity's WHSG(TV) is fully authorized to operate, and has been operating, from a location that is short-spaced to the Montgomery reference point by 18.14 km. Thus, there readily exists an immediate and apposite justification for a waiver of that amount for Glendale. Indeed, had Glendale proposed to operate from the existing WHSG(TV) tower or from a location that was less short-spaced than the WHSG(TV) site, no short-spacing waiver issue would have been specified.

3. Moreover, there is no justification for requiring Glendale to have sought a fully spaced site when no such burden was imposed upon Trinity. Requiring only Glendale to obtain a waiver for a site that is located substantially the same distance from the Montgomery

reference point as the site from which Trinity's station is operating would place Glendale at a distinct disadvantage. In this regard, it is well settled that a renewal challenger is entitled to be treated the same as the incumbent licensee. EZ Communications, Inc., 8 FCC Rcd 2448, 2451 (MMB 1993); Royce International Broadcasting, 2 FCC Rcd 1368 (MMB 1987).

4. Since it must be concluded that Glendale is entitled to a waiver of the same distance by which WHSG(TV) is short-spaced, the only question remaining in this instance is whether Glendale is also entitled to a waiver of the distance in excess of the short-spacing that WHSG(TV) currently enjoys. The Bureau submits that an increase of 0.26 km in short spacing unquestionably constitutes an insignificant amount that is not legally cognizable. Indeed, a distance of 0.26 km is simply inconsequential insofar as the impact that Glendale's proposal would have on the integrity of the Commission's commercial television allocation scheme. Accordingly, the Bureau finds no basis why a short-spacing waiver in the amount of 18.4 km should not be granted to Glendale in this instance.

5. There are additional reasons why a waiver is justified. Any applicant proposing to operate a new commercial television station on Channel 63 in Montgomery will be subject to an effective site restriction because of the proximity of WHSG(TV). Glendale's proposed station, located a mere 0.26 km nearer to the main Post Office in Montgomery than the WHSG(TV) antenna, will have no discernible impact on the Montgomery allocation over and above that already caused by WHSG(TV). Furthermore, because Glendale is proposing to utilize a directional antenna, restrict its effective radiated power in the direction of the

Montgomery allocation, and reduce its height above-average terrain, Glendale's interference contour will extend considerably less than the interference contour of a fully-spaced Monroe station operating with maximum facilities. Finally, Glendale made a good faith effort to locate a transmitter site which was no more short-spaced than the WHSG(TV) antenna. Indeed, it initially proposed a site which was less short-spaced than WHSG(TV). It was only as a result of FAA objections that Glendale amended its application to specify its current site.

6. Based upon the foregoing, Glendale has satisfied its burden of demonstrating that a short-spacing waiver is warranted in this instance. Accordingly, the Bureau recommends that Glendale be granted a waiver of § 73.610 of the Commission's Rules.

## B. Trinity's Renewal Expectancy

7. It is well settled that, in a renewal proceeding, an incumbent's past performance affords the Commission the strongest and most reasonable basis for determining whether the public interest will be served by license renewal. Office of Communications of United Church of Christ v. FCC, 359 F.2d 994 (D.C. Cir. 1966); Belo Broadcasting Corp., 47 FCC 2d 540 (1974). Thus, a licensee "runs on its record . . . ." United Church of Christ, at 1007; Simon Geller, 90 FCC 2d 250, 271 (1982) (subsequent history omitted). A sound and favorable record, substantially above the level of mediocre service, gives rise to a renewal expectancy which, in turn, warrants a preference in comparative renewal proceedings. See Broadcast Communications, Inc., 93 FCC 2d 1162, 1166 (1983), modified

97 FCC 2d 61 (1984), aff'd sub nom. Genesis Broadcasting, Inc. v. FCC, 759 F.2d 959 (D.C. Cir. 1985), citing Cowles Broadcasting, Inc., 86 FCC 2d 993 (1981), aff'd sub nom. Central Florida Enterprises, Inc. v. FCC, 683 F.2d 503 (D.C. Cir. 1982); Radio Station WABZ, Inc., 90 FCC 2d 818 (1982), aff'd sub nom. Victor Broadcasting, Inc. v. FCC, 722 F.2d 756 (D.C. Cir. 1983).

8. A substantial performance warranting a renewal expectancy can be demonstrated by any type of showing reasonably related to service over and above what would be considered minimal. Broadcast Communications, Inc., supra. In this regard, the Commission has identified the following criteria in determining whether to grant a renewal expectancy:

- (1) the amount of non-entertainment programming presented, the time of day it is presented and whether it is directed to local needs and interests,
- (2) the amount of locally produced programming, and
- (3) the reputation of the station in the community.

Formulation of Policies and Rules Relating to Broadcast Renewal Applicants, 4 FCC Rcd 6363, 6368, n. 11 (1989). In evaluating a licensee's performance, the Commission has identified the following factors which it will consider:

- (1) The licensee's efforts to ascertain the needs, problems and interests of its community;
- (2) The licensee's programmatic response to those ascertained needs;
- (3) The licensee's reputation in the community for serving the needs, problems and interests;

(4) The licensee's record of compliance with the Communications Act and FCC rules and policies; and

(5) The presence or absence of any special effort at community outreach or towards providing a forum for local self-expression.

Fox Television Stations, Inc., 8 FCC Rcd 2361, 2366-9 (Rev. Bd.), recon den., 8 FCC 3583 (Rev. Bd.), rev. den., 9 FCC Rcd 62 (1993).

9. In the present case, it is unclear the extent to which Trinity ascertained the needs, problems and interests of Monroe. It is clear, however, that Trinity did ascertain the needs, problems and interests of WHSG(TV)'s service area, of which Monroe is a part. Furthermore, there is no evidence to suggest that the needs, problems and interests that were ascertained for the service area are dissimilar to those of Monroe. Similarly, there is no evidence to indicate that any need, problem or interest of Monroe was excluded by the ascertainment process employed by Trinity. Consequently, it is concluded that the ascertainment conducted by Trinity was sufficient to apprise it of the needs, problems and interests of Monroe as well as those of the WHSG(TV) service area.

10. The record here further establishes that Trinity broadcast a substantial number of programs containing segments directed at the needs, problems and interests of WHSG(TV)'s service area, which includes Monroe. In this regard, the station's regularly scheduled programming included discussion programs which featured guests who addressed problems such as alcohol abuse, crime and education. These programs included "Joy," "Praise the Lord" and "The 700 Club." In addition to these programs, the station also broadcast on a

regular basis a program which provided viewers with medical information ("Calling Dr. Whitaker") and a program dealing with contemporary legal issues ("A Call to Action"). Station WHSG(TV) also broadcast a substantial amount of programming addressed to the needs, problems and interests of children. Finally, the station broadcast between 25 and 30 public service announcements each week. These announcements, which addressed a wide spectrum of concerns, were supplied by numerous organizations including such well known ones as the United Negro College Fund, the U.S. Army, Parent Teachers Association, the Salvation Army, the Red Cross and the U.S. Air Force.

11. All of the above programs were produced in California and broadcast over the TBN network. Other than locally produced church services from Atlanta, WHSG(TV) did not produce any programming to meet the ascertained needs, problems and interests of its service area. The ascertained needs, problems and interests, however, were directly reflected in the programming offered by the network. During each quarter, WHSG(TV) staff sent a preliminary report on the issues and problems they had ascertained to California. At the end of each quarter, a final report specifying the top five problems identified was sent. The network utilized the lists of problems submitted by WHSG(TV) and other network stations in selecting guests for appearances on particular shows. In addition, the network increased the frequency of public service announcements which were specific to the ascertained needs and problems of network stations. Through this method, the needs, problems and interests ascertained by the network stations, including WHSG(TV), were met.

12. In sum, it is concluded that, in light of the substantial amount of non-entertainment programming broadcast by WHSG(TV) which was directed toward the needs, problems and interests of the WHSG(TV) service area, including Monroe, Trinity is entitled to a renewal expectancy with regard to its operation of WHSG(TV).

#### IV. Ultimate Conclusions

13. Based on the foregoing, the Bureau concludes that circumstances exist which warrant the grant of a waiver of § 73.610 of the Commission's Rules to Glendale. Accordingly, the Bureau recommends that the short-spacing waiver issue be resolved in Glendale's favor.

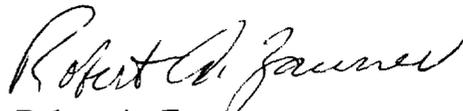
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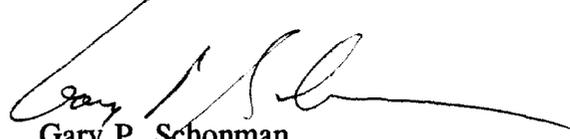
15. The Bureau believes, for the reasons set forth more fully in its Proposed Findings of Fact and Conclusions of Law in MM Docket No. 93-75, that Glendale lacks the requisite character qualifications to be a Commission licensee because of the misrepresentations perpetrated upon the Commission by its controlling shareholder, George Gardner. The Bureau also believes, for the reasons it expressed in MM Docket 93-75, that Trinity remains basically qualified to be a licensee. Despite these beliefs, the

Bureau recognizes that resolution of the issues in this proceeding bearing on the basic character qualifications of Glendale and Trinity must await a final determination in MM Docket No. 93-75.

Respectfully submitted,  
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