

Furthermore, and separately, the Commission boldly asserts, without providing any support whatever, that broadcasters currently utilize “an insular recruitment and hiring process.” Golden Orange believes that most if not all broadcasters do not engage in “insular” hiring and recruitment and that the Commission’s unsupported assertion to the contrary is simply incorrect.

Unless the Commission is able to provide significant data to support its assertion, there is no reason to believe that the current broadcasting workforce would “replicate” itself, and the Commission’s remarkable assertion that the current broadcasting workforce will “replicate” itself would appear to be nothing more than speculation. And if the Commission’s assertion about “replication” is nothing but speculation, the adoption of EEO Outreach and Documentation Regulations based on the H/R/D rationale would be “arbitrary and capricious.”

C. Even if the Nation’s Broadcasting Workforce Would Replicate Itself, The Commission Has Not Explained How This Constitutes “Discrimination” Which It Has Authority to Address.

In Association, the Court rejected the contention that the Commission lacked authority to promulgate and implement EEO regulations under the “diversity of programming” rationale as being “beside the point.” The Court noted that the Commission had advanced a separate rationale--termed “invidious discrimination” by the Court--which was not challenged by Petitioners. The H/R/D rationale is now advanced by the Commission in an effort to manufacture a theory for the proposed EEO Outreach and Documentation Regulations which fits within the confines of preventing “invidious

discrimination.” But the “discrimination” which the Commission refers to in the Second Notice is completely different from the “invidious discrimination” referred to by the Court in Association. The conduct referred to by the Court as “invidious discrimination” is action taken by a broadcast licensee which either gives preference to or devalues one person (or group) vis-à-vis another person (or group) based upon that person’s (or group’s) race, color, religion, national origin, or gender. The Commission’s proposed anti-discrimination provision (which Golden Orange supports) directly and expressly prohibits that discrimination--the “invidious discrimination”--to which the Court referred in Association.

The “discrimination” which the Commission’s proposed EEO Outreach and Documentation Regulations are designed to “deter” is not “invidious discrimination” at all. Rather, what the Commission seeks to prohibit by law is the right of broadcast licensees to hire employees, in the ordinary course, like any other type of business enterprise in the country, and on bona fide grounds only, without the slightest intention either to give preference to or to devalue one person (or group) over another person (or group) because of race, color, national origin, religion, or gender. Such bona fide action by broadcast licensees is not--repeat, not--“discrimination,” and the Commission’s calling it “discrimination” does not make it so. If the Commission has a factual basis to believe that broadcasters generally, or even often, select their employment recruiting techniques in a manner to exclude or discriminate against minorities, women, or other segments of the workforce, such action might fairly be called “discrimination,” and the Commission might have reason to require broadcasters to engage in “broad outreach.”

But the Commission has not presented any such information, and Golden Orange believes it does not exist.

The Commission has not pointed to any delegation of authority by Congress which allows it to prevent such obviously non-invidious discrimination. Certainly the Court's approval of the Commission's claim to have authority to act against "invidious discrimination" (which is directly addressed by the Commission's distinct anti-discrimination provision), lends no support to the Commission's position that it has authority to prevent (or deter) the entirely different and completely bona fide actions which the Commission has chosen to encompass within its expanded version of what constitutes "discrimination."

III. The Commission Has No Authority to Adopt or Implement the Requirements in "Prong 3".

"Prong 3" of the EEO Outreach and Documentation regulations not only goes beyond the prohibition of overt acts of employment discrimination, it also goes far beyond the requirements "Prong 1" and "Prong 2" (requiring broadcast licensees to disseminate of information regarding actual job openings). "Prong 3" requires broadcast stations with five or more fulltime employees to engage in activities which are "designed to encourage outreach to persons who may not yet be aware of the opportunities available in broadcasting ...or have not yet acquired the experience to compete for current vacancy" [Id., Para. 28]. These actions are required of each licensee without regard to whether there are any job openings available at the station.

The requirements of “Prong 3” have nothing at all to do with preventing “invidious discrimination” and are therefore completely beyond the scope of the H/R/D rationale. Moreover, the Commission has never, under any guise, been authorized by Congress to require broadcasters to take such actions as those included in Prong 3, which are designed to create potential applicants for non-existent positions in broadcasting. The Commission cites no authority in either the 2001 Report and Order or in the Second Notice, and Golden Orange submits that there is none, which supports the imposition of a requirement that broadcasters expend time and money to engage in EEO efforts looking toward the filling of unspecified positions at unspecified stations at an unspecified time in the future. Whatever other infirmities there may be in the proposed EEO Outreach and Documentation Regulations, (1) “Prong 3” is not justified by the H/R/D rationale, and (2) the Commission lacks the authority to implement the “Prong 3” requirements.

IV. The Adoption and Implementation of the Proposed EEO Outreach and Documentation Requirements Would Violate 47 USC Section 334.

The Commission expressly (and correctly) requests that commenters “give careful consideration” to how their proposals will comply with current statutory requirements, “particularly those” imposed by Sections 334 of the Communication Act. Id., Para. 21. In response, Golden Orange submits that all the proposed EEO Outreach and Documentation regulations, insofar as they might be made applicable to television stations, violate the clear and unambiguous language of Section 334 of the Communications Act. For this reason, if for no other reason, the proposed EEO rules can

not be lawfully adopted or implemented by the Commission with respect to television stations.

Section 334 of Communications Act of 1934 reads as follows:

LIMITATION ON REVISION OF EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS.

(a) LIMITATION.--Except as specifically provided in this section, the Commission shall not revise-

- (1) the regulations concerning equal employment opportunity as in effect on September 1, 1992 (47 C.F.R. 73.2080) as such regulations apply to television broadcast station licensees and permittees; or
- (2) the forms used by such licensees and permittees to report pertinent employment data to the Commission.

(b) MIDTERM REVIEW.--The Commission shall revise the regulations described in subsection (a) to require a midterm review of television broadcast station licensees' employment practices and to require the Commission to inform such licensees of necessary improvement in recruitment practices identified as a consequence of such review.

(c) AUTHORITY TO MAKE TECHNICAL REVISIONS.--The Commission may revise the regulations described in subsection (a) to make nonsubstantive technical or clerical revisions in such regulations as necessary to reflect changes in technology, terminology, or Commission organization. (emphasis supplied)

As of September 1, 1992, the Commission's EEO regulation (Section 73.2080) read as follows:

§73.2080 Equal employment opportunities.

(a) *General EEO policy.* Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated AM, FM, TV, or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin, or sex.

(b) *EEO program.* Each broadcast station shall establish, maintain, and carry out a positive continuing program of specific practices designed to ensure equal opportunity in every aspect of station employment policy and practice. Under the terms of its program, a station shall:

- (1) Define the responsibility of each level of management to ensure a positive application and vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;
- (2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation;
- (3) Communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis;
- (4) Conduct a continuing program to exclude all unlawful forms of prejudice or discrimination based upon race, color, religion, national origin, or sex from its personnel policies and practices and working conditions; and
- (5) Conduct a continuing review of job structures and employment practices and adopt positive recruitment, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility.

(c) *EEO program requirements.* A broadcast station's equal employment opportunity program should reasonably address itself to the specific areas set forth below, to the extent that they are appropriate in terms of the station's size, location, etc.

- (1) Disseminate its equal opportunity program to job applicants and employees. For example, this requirement may be met by:

- (i) Posting notices in the station's office and other places of employment, informing employees, and applicants for employment, of their equal employment opportunity rights. Where it is appropriate, such equal employment opportunity notices should be posted in languages other than English;
 - (ii) Placing a notice in bold type on the employment application informing prospective employees that
 - (iii) discrimination because of race, color, religion, national origin, or sex is prohibited;
 - (iii) Seeking the cooperation of labor unions, if represented at the station, in the implementation of its EEO program and the inclusion of non-discrimination provisions in union contracts;
 - (iv) Utilizing media for recruitment purposes in a manner that will contain no indication, either explicit or implicit, of a preference for one sex over another and that can be reasonably expected to reach minorities and women.
- (2) Use minority organizations, organizations for women, media, educational institutions, and other potential sources of minority and female applicants, to supply referrals whenever job vacancies are available in its operation. For example, this requirement may be met by:
- (i) Placing employment advertisements in media that have significant circulation among minorities residing and/or working in the recruiting area;
 - (ii) Recruiting through schools and colleges, including those located in the station's local area, with significant minority-group enrollment;
 - (iii) Contacting, both orally and in writing, minority and human relations organizations, leaders, and spokesmen and spokeswomen to encourage referral of qualified minority or female applicants;
 - (iv) Encouraging current employees to refer minority or female applicants;
 - (v) Making known to recruitment sources in the employer's immediate area that qualified minority members and females are being sought for consideration whenever you hire and that all candidates will be considered on a nondiscriminatory basis.

- (3) Evaluate its employment profile and job turnover against the availability of minorities and women in its recruitment area. For example, this requirement may be met by:
- (ii) Comparing the composition of the relevant labor area with composition of the station's workforce;
 - (iii) Where there is underrepresentation of either minorities and/or women, examining the company's personnel policies and practices to assure that they do not inadvertently screen out any group and take appropriate action where necessary. Data on representation of minorities and women in the available labor force are generally available on a metropolitan statistical area (MSA) or county basis.
- (4) Undertake to offer promotions of qualified minorities and women in a nondiscriminatory fashion to positions of greater responsibility may be met by:
- (i) Instructing those who make decisions on placement and promotion that qualified minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed;
 - (ii) Giving qualified minority and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower paid employees with respect to any of the higher paid positions.
- (5) Analyze its efforts to recruit, hire, and promote minorities and women and address any difficulties encountered in implementing its equal employment opportunity program. For example, this requirement may be met by:
- (i) Avoiding use of selection techniques or tests that have the effect of discriminating against qualified minority groups or females;
 - (ii) Reviewing seniority practices to ensure that such practices are nondiscriminatory;

- (iii) Examining rates of pay and fringe benefits for employees having the same duties, and eliminating any inequities based upon race or sex discrimination.

(d) *Mid-term review for television broadcast stations.* The Commission will conduct a mid-term review of the employment practices of each broadcast television station at two and one half years following the station's most recent license expiration date as specified in §73.1020. The commission will use the employment profile information provided on the first two Form 395-B reports submitted following such license expiration date to determine whether television station's employment profiles as compared to the applicable labor force data, are in compliance with the Commission's processing criteria. Television broadcast stations which employment profiles fall below the processing criteria will receive a letter noting any necessary improvements identified as a result of the review.

In Lutheran Church, the Court struck down Section 73.2080 of the Commission's rules on the ground that it did not meet the "strict scrutiny" standard articulated by the Supreme Court in Adarand. In Association, the Court held that Option B of the Commission's revised EEO rules were unconstitutional and that the provisions of Option A could not be severed from Option B. Although the Court made a passing reference to Section 334 of the Act in Association (236 F.3d at 16), in neither Association nor Lutheran Church (or elsewhere) did the Court hold, or even suggest, that this statutory provision (as opposed Section 73.2080 of the Commission's rules) was unconstitutional.

In the four years which have passed since Lutheran Church was decided, Congress, if it had chosen to do so, had ample opportunity to revise or repeal the limitation on the Commission's flexibility regarding EEO regulations as articulated in Section 334. But it did not. As the Commission has no authority to declare that Section 334 of the Act is unconstitutional, and since no Court has done so, there is no room for dispute that Section 334 remains valid Federal Statutory authority. The Commission's adherence to Section

334 is obligatory, and not a matter about which the Commission has discretion. The statutory constraints of Section 334 continue to restrict the EEO requirements which the Commission may adopt vis-à-vis television stations.

The Commission has, correctly, repeatedly recognized the on-going viability of Section 334 of the Act. In the 2001 Report and Order the Commission relied heavily upon Section 334 in support of its continuing authority to prohibit discrimination by television licensees (and implicitly by radio licensees). See, paragraph 22. In the Second Notice, the Commission acknowledged the continuing validity of Section 334 no fewer than six times. (Paras. 21, 41, 48, 62, 63, and 64) Not only did the Commission expressly assert that its authority to adopt EEO regulations is based in part on Section 334 (see Paras. 62 and 63), it acknowledged the continuing validity of the mandate by asking commenters (1) to “give careful attention” to assure that any new proposals are faithful to that statutory requirement (i.e., Para. 21), and (2) to supply their views as to whether an increase in the threshold for the exemption of small employment units can be modified “in light of the requirements of Section 334”. Id., Para. 48. Thus, the Commission has acknowledged the continuing validity of Section 334 of the Act, which forbids the Commission from taking any action to “revise” its EEO regulations in effect as of September 1, 1992. Yet that is exactly what the Commission now proposes to do in the Second Notice.

A comparison of the proposed EEO Outreach and Documentation Regulations and the EEO rules in effect as of September 1, 1992 makes it clear that the two sets of regulations

are very different. Therefore, if the Commission were to adopt the proposed rules it would clearly be “revising” the EEO rules in effect as of September 1, 1992, and would be in clear violation of Section 334. Not only is the language of the proposed EEO Outreach and Documentation Regulations different from the language of Section 73.2080 as it existed on September 1, 1992, the new regulations are substantively different from the EEO regulations in effect as of September 1, 1992. Specifically:

Prong 1 of the proposed rules requires television licensees to engage in recruitment “for every job vacancy in its operation”. (emphasis added) On the other hand, the comparable EEO regulation in effect on September 1, 1992 (Section 73.2080 (c)) provided that the licensees were required to adopt an EEO program “reasonably address[es] itself ...to the extent possible, and to the extent that they are appropriate in terms of the station’s size, location, etc.” This wording allowed licensees flexibility in determining when bona fide, non-discriminatory circumstances, justified the hiring of a new employee without first going through EEO outreach efforts (e.g., when the station was aware of an individual who was available for hire and who had exceptional skills which make him/her unusually well qualified for the open position). On the other hand, under “Prong 1” broadcast licensees are required to engage in EEO Outreach and Documentation Regulations for all fulltime hires (except for internal promotions), and the Commission has made it clear that except on “rare” occasions, the proposed rules would not allow a station to hire even unusually well qualified employees, or employees needed to fill a vacancy that opened unexpectedly and

where there is an urgent need to hire a replacement, without first engaging in “Prong 1” and “Prong 2” recruitment efforts. Id., Para 25.

Prong 2 is an entirely new requirement, not contained in Section 73.2080 as of September 1, 1992. It would require television licensees to solicit groups and agencies in the public who are engaged in the business of referring job applicants for positions to be on the station’s EEO outreach recruitment list and would require stations to send job recruitment notifications to these agencies. No such requirement was in Section 73.2080 as of September 1, 1992. Accordingly, Section 334 bars the Commission from implementing the new requirement in “Prong 2.”

Prong 3 of the proposed rules suffers from the same flaw. It requires the licensees of television stations with more than 10 full time employees to engage in four (4) of 13 non-vacancy specific EEO outreach efforts every two years (and requires stations with between 5 and 10 fulltime employees to engage in two (2) of 13 non-vacancy related EEO efforts every two years). This is an entirely new legal requirement, and is found nowhere in Section 73.2080 as in effect on September 1, 1992. Accordingly, Section 334 bars the Commission from adopting “Prong 3.”

Section 334 is as much a part Communications Act of 1934, as amended, as any other provision, and the Commission is not free to pick and choose those portions of the Act

which it will obey. The Commission has expressly acknowledged that its authority to adapt EEO regulations stems (in part) from Section 334, and that any changes in the EEO rules must be consistent with Section 334; hence, it is in no position to contend that Section 334 is no longer in effect⁸. The EEO rules proposed in the Second Notice substantively, and indisputably, represent clear “revisions” of the EEO rules in effect on September 1, 1992. These revisions are not “technical”, or “clerical”, and only incidentally require the “mid-term review” of television station performance (as contemplated by Section 334(d)). The adoption of the proposed EEO Outreach and Documentation Regulations would therefore be in clear violation of the direct and unambiguous statutory limitation of Section 334.⁹

V. Other Matters

A. If the Commission Adopts “Prong 1” and “Prong 2”, It Should Adopt a Safe-Harbor Provision To Enable Licensees To Hire Directly a Specified Percentage of New Employees

As explained above, Golden Orange believes that the Commission should not adopt Prong 1 and Prong 2 because doing so would be arbitrary and capricious, outside the Commission’s authority, contrary to Section 334 of the Communications Act (insofar as the regulations would apply to television stations), and/or unconstitutional. However, if the Commission does adopt Prong 1 and Prong 2, Golden Orange suggests that the

⁸ Congress might written Section 334 to have given the Commission the flexibility to adopt entirely new EEO outreach regulations in the event the ones in effect as of September 1, 1992 were struck down, but it obviously did not.

⁹ Section 334 does not necessarily bar the Commission from adopting any EEO regulations. Golden Orange believes Section 334 may allow the Commission to readapt any provisions of its EEO rules in effect as of September 1, 1992 which pass constitutional and statutory muster (e.g., see, for example,

Commission allow broadcast licensees some flexibility in complying with this requirement--i.e., by permitting station to fill some fixed percentage of fulltime positions (e.g., 20% of such positions)--without engaging in outside recruitment.

There are some situations, Golden Orange believes where, it can not be reasonably disputed that broadcasters should be allowed to make hires immediately, and without the need to engage in EEO recruitment effort. For example, on occasion stations become aware of the availability of a highly talented potential, who has unique talents and would be greatly beneficial to the station's operation. In these cases, stations should have the right to extend an offer directly, without having to go through the charade of EEO recruitment efforts. The requirement of EEO outreach in such situations do nothing more than waste time and effort, not only of the station, but of the people who apply for the position in complete good faith, when, in reality, there is essentially no possibility that they will actually be hired (because, in fact, the new employee has already been selected.) Take, for example, a hypothetical situation where a television station has an opening for an evening news anchor, an individual such as Walter Cronkite was willing to consider the position. In such a case, can the Commission reasonably insist that the licensee to go through Prong 1 and Prong 2 EEO recruitment efforts in order to notify the community at large of the "available" news anchor position? The answer is "no". Any requirement that the licensee go through EEO outreach in such a situation would be absurd.

Section 73.2080 (b) (4), requiring broadcasters to adopt a program "to exclude all unlawful forms of prejudice or discrimination from its personnel policies and practices and working conditions."

Or take, as another example, a hypothetical situation where the owner of a television station desires to hire her husband to a fulltime position on the staff. Can the Commission reasonably insist that the licensee go through Prong 1 and Prong 2 EEO recruitment efforts in order to notify the community of the supposedly “available” position? Again, the answer is “no”. In such a situation, a requirement that the licensee conduct EEO outreach before hiring the owner’s husband would be absurd.

Golden Orange appreciates that it would probably be impractical for the Commission to attempt to write EEO rules in a manner which would describe exceptions to the Prong 1 and Prong 2 requirements to take into consideration the “Walter Cronkite” and “close relative” situations posed above. Therefore, and apart from the fact that Golden Orange opposes the Prong 1 and Prong 2 in their entirety, it suggests that if the Commission adopts and implements Prong 1 and Prong 2, it should allow licensees the flexibility to make some fixed percentage (perhaps 20%) of its fulltime hires immediately, without the need for EEO recruitment efforts.

B. If the Commission Requires the Filing of FCC Form 395-B, It Should Take Steps to Assure that the Information Remains Confidential.

The Commission proposes that all broadcast licensees with 10 or more full-time employees must file FCC Form 395-B (Annual Employment Report), which will include information regarding the number/positions of minorities and women on the station’s staff. The Commission has again promised that it will not use this information in any evaluation of the station’s EEO performance, and will only use this information to

prepare reports to Congress and to assess overall employment trends in the broadcasting industry. Id., Para. 25.

If the only purposes for the filing of FCC Form 395-B reports is to assist the Commission in reporting to Congress and to compile statistics for the broadcasting workforce in general, there is no reason why this information should ever be made available to the public. Golden Orange requests that if the Commission adopts the proposed FCC Form 395-B requirement, it should take steps to assure that this information is kept confidential. This is not what happened after the Commission readopted the FCC Form 395-B filing requirement in the 2001 Report and Order. Although the Commission gave the same two rationales for the reimposition of the Form 395-B requirement in 2001 Report and Order as it now provides in the Second Notice, this information was made public via the Commission's CDBS system. Although Golden Orange does not believe that the Commission should, or has the legal authority to, require the filing of FCC Form 395-B (see above), Golden Orange believes that if the Commission does implement this requirement, it should also adopt procedures which will assure that the information in the reports be kept confidential.

Conclusion

Golden Orange can not conclude these Comments without expressing one final thought. The truth is that there is a fundamental conflict at the very core of the Second Notice, which the Commission does not acknowledge (for obvious reasons), much less does it address. This conflict is perfectly obvious to anyone who has followed the course of the

Commission's EEO rules and regulations over the past 30 years. The conflict is that although the Commission has sanitized the version of the EEO Outreach and Documentation requirements proposed in the Second Notice in a way to afford it "plausible deniability" as to its true intent, the proposed EEO requirements are not designed merely to "prevent" or "deter" discrimination. The Commission's intent is obvious to all: it is to increase the number of minorities and women in the broadcasting workforce (whether to enhance "program diversity" or to provide gainful employment to minorities/women, or to lead the way for minorities/women to gain ownership in broadcasting entities), without regard to whether the current extent of participation by minorities and women in the broadcasting workforce is due to on-going "discrimination."

It is of more than passing interest to Golden Orange that although the Commission asserts that the purpose of its EEO rules is to prevent and deter discrimination, nowhere in either the 2001 Report and Order nor the Second Notice does the Commission cite a single instance of discrimination by a single broadcast licensee, any evidence that there has ever been widespread real discrimination in the broadcasting industry (taken as a whole), much less any evidence that there is currently widespread real discrimination in the industry. In the absence of such information, and indeed in the absence of even an assertion by the Commission that widespread real "discrimination" currently exists, Golden Orange is left to wonder about the authenticity of the H/R/D rationale itself.

Golden Orange wonders whether the Commission's use of the word "homogeneous" (as an adjective) in the H/R/D rationale to characterize the nation's broadcasting workforce is

not, in fact, a code word for the Commission's conclusion that the number/percentage of minorities and/or women in the broadcasting industry does not meet some (undefined) standard and that therefore the Commission must, or at least should, attempt to modify the status quo through the imposition of legal requirements on the broadcasting industry. Golden Orange also wonders whether the asserted justification for the proposed EEO Outreach and Documentation Regulations--i.e., to "deter discrimination"--is a linguistic contrivance, designed to camouflage the purpose of the proposed rules so that that it appears to fit within the "prevention of invidious discrimination" rationale approved by the Court in Association.

To Golden Orange, proposed "Prong 3" gives away the game. The requirements of "Prong 3" have nothing at all to do with the prevention or deferral of "discrimination," and the Commission's use of the H/R/D rationale in its support (with the stated goal being to "deter discrimination") is difficult to take seriously. Worse, the Commission's assertion to the contrary is all too revealing. Revealing, also, is the Commission's remarkable assertion that "it is not enough to say that one will not discriminate against those who apply for a job when not all have been given a fair opportunity to apply." Id., Para. 53. Insofar as Golden Orange is concerned, this comment is tantamount to an acknowledgement that the purpose of the proposed EEO rules is to place the Commission in the role of employment "fairness" guarantor for the broadcasting industry, and far goes beyond the prevention and deterrence of "discrimination."

Golden Orange appreciates the Commission's quandary in attempting to articulate a justification for EEO rules and regulations in a manner which will pass muster under the "arbitrary and capricious" standard, as well as statutory and constitutional requirements. Golden Orange doubts that the Commission's effort to escape history and to "square the circle" will succeed. In any event, Golden Orange suggests that the current Commissioners should not yield reflexively to "political correctness," and should give careful thought to the fundamental (and really very obvious) disconnect between the Commission's true purpose for proposing EEO Outreach and Documentation Regulations and the justification advanced in the H/R/D rationale, as well as to the legal shortcomings in the Second Notice as discussed herein and in the Comments of Local Television Group. Otherwise, Golden Orange predicts, history will surely repeat itself--again.

Respectfully submitted

GOLDEN ORANGE BROADCASTING, INC.

A handwritten signature in black ink, appearing to read "Lawrence N. Cohn", written over a horizontal line.

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