

ATTACHMENT

G-1

SFUSD-000600

RECEIVED

MAR 18 1998

ERNEST T. SANCHEZ

ATTORNEY AT LAW

2000 L STREET, N.W., SUITE 200
WASHINGTON, D.C. 20036

202 237-2814
FAX: 202 237-5614

Federal Communications Commission
Office of Secretary

INTERNET:
esanchez@capcon.net

March 18, 1998

Ms. Magalie Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

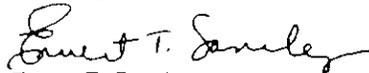
Re: In Re Application for Renewal of License of: KALW-FM, San Francisco, CA. (File No. BRED-970801YA) Opposition of The San Francisco Unified School District to Petition to Deny of Golden Gate Public Radio; Filing of Motion to Place Under Seal.

Dear Ms. Salas:

Transmitted herewith, on behalf of The San Francisco Unified School District, licensee of KALW-FM, San Francisco, CA are an original and four copies of the enclosed Motion to Place Under Seal.

Please let me know if you have any questions about this filing.

Sincerely,



Ernest T. Sanchez
Counsel for The San Francisco
Unified School District

Enclosures

CAWPWIN60KALWFCCS.LTR

SFUSD-000601

RECEIVED

MAR 18 1998

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of:)	
)	
Application of)	
)	
KALW (FM))	
San Francisco, CA	)	File No. BRED-970801 YA
)	
For Renewal of Its License as)	
a Noncommercial Educational Radio)	
Station)	

To the Mass Media Bureau:

MOTION OF SFUSD TO PLACE UNDER SEAL, REDACT OR REMOVE EXHIBIT

San Francisco Unified School District ("SFUSD"), licensee of noncommercial educational radio station KALW(FM), San Francisco, CA, by its attorneys, files this Motion to Place Under Seal, Redact or Remove from the Commission's public files Exhibit C to the Declaration of Jason Lopez ("Lopez Exhibit C") that was attached to the Reply to Opposition filed by Golden Gate Public Radio ("GGPR") on February 17, 1998 in the above-captioned matter (hereinafter, "Motion"). SFUSD has made this Motion separately from its Motion to Dismiss and Motion to Strike Reply in Whole or in Part ("Motion to Strike Reply"), each of which were also filed today, because this is a matter of some urgency that should be dealt with on an expedited basis without regard to whatever action the Commission or Mass Media Bureau may take with regard to SFUSD's other motions.

The nature of problem presented by this Exhibit, as more fully disclosed herein, is

that Lopez Exhibit C contains private personal and financial information of third parties which should not be exposed in the Commission's public file.

Lopez Exhibit C Should Be Placed Under Seal.

SFUSD has moved to strike Lopez Exhibit C in subpart II B of its Motion to Strike Reply, which is hereby incorporated herein by reference along with its attached Declaration of William Helgeson. SFUSD moves separately in this Motion to have the documents contained in that same Exhibit C either placed under seal, redacted, or removed from the Commission's public file. This extraordinary action is necessary because the documents that make up Lopez Exhibit C are donor pledge forms with contain such sensitive private and/or financial information as credit card data and home telephone numbers of individuals who are not parties to this proceeding.

Lopez Exhibit C appears to consist of fourteen donor pledge sheets from the KALW's April 1997 on-air pledge drive. These forms contain the name, address, telephone number and, in the case of six donors, the credit card number and expiration date of such card, provided by each of these donors.¹ As is attested by William Helgeson, Acting Station Manager and Operation Manager for KALW in his above-mentioned Declaration (a copy of which is attached hereto), these individuals are KALW listeners and individual donors. Their right to privacy has been violated by GGPR, which apparently took these documents from non-public KALW files without authorization, photocopied them and, without redacting any personal information regarding such individuals contained on the forms, appended these documents to its

¹ Pages 6 and 7 of Lopez Exhibit C are duplicates of pages 4 and 5, respectively.

Reply as Lopez Exhibit C. The pledge forms containing this information are routinely used by KALW volunteers who accept telephone pledges from KALW listeners for the purpose of recording information about donors to be used for following up on their pledged donations.

Such information is, obviously, of a highly personal, private, and sensitive nature and should not be exposed to possible risk of misuse by being placed in the Commission's public file in this proceeding. GGPR's exposure of these individuals' telephone and credit card data was particularly irresponsible and presents the specific risk that these individuals might be victimized by some person who discovers the information through perusal of the Commission's public files. SFUSD is also concerned that such misuse might expose the School District to lawsuit or liability for unauthorized acts of its employees, actions which SFUSD does not ratify and specifically condemns.

SFUSD has taken the step of filing this Motion to have these exhibits placed under seal, redacted, or removed from the public record in order to protect its subscribers and listeners and to prevent, or at least, mitigate any harm that might otherwise result from the unauthorized and irresponsible action of Mr. Lopez and Ms. Kennedy in creating this risk of exposure. As Mr. Helgeson attests, neither Lopez, Kennedy nor Baker is authorized to have access to the files which contain the originals of these documents. SFUSD is also understandably concerned about the potential injury it might suffer as a government agency and a public broadcaster if the public were to learn that confidential information provided to KALW volunteers during pledge drives could become public knowledge in this manner. The identity of its subscribers also

constitutes a trade secret of KALW(FM) and SFUSD, and should for this reason also be placed under seal so that it cannot be used to KALW's competitive disadvantage.

Lopez Exhibit C Is Irrelevant to Any Cognizable Public File Issue

Furthermore, as SFUSD set forth in its Motion to Strike Reply, the documents which make up Lopez Exhibit C are totally irrelevant to the use GGPR seeks to make of them. Placing such documents under seal or redacting them will not cause prejudice to any party; nor will it render the Commission or Bureau unable to render a decision in this matter. GGPR claims that KALW should have disclosed in its public file the identify of the persons identified on these forms in accordance with the provisions of Rule 73.3527(a)(8) of the Commission's Rules (actually, GGPR cites Rule 73.3536, but SFUSD assumes this is a typographical error).

However, as SFUSD's Motion to Strike Reply points out, subsection (a)(8) concerns only those donors who support specific programs, the type of donor who typically in public broadcasting receives "this program has been brought to you by" on-air credit. The Commission has never interpreted this rule (or Rule 73.1212 or section 317 of the Communications Act) to require public broadcasting stations to identify or maintain file information about individual donors such as these, who make pledges during a public broadcasting on-air pledge drive. No rule or interpretation indicates that such individuals would be considered the type of donor "supporting specific programs" who must be identified or disclosed under those rules or section 317, 47 U.S.C. § 317. The fact that an individual donor during an on-air pledge drive might indicate a preference or particular liking for a particular program does not change in inapplicability

of subsection (a)(8) to such donors nor does it require a public broadcast station to sequester such funds for the support of that program alone. GGPR's exposure of the identities and other personal information of these individuals was not only irresponsible, and a possible violation of the federal and California laws protecting individual privacy and the station's trade secrets, but also profoundly unnecessary.

Conclusion. For these reasons, SFUSD requests that, whatever action the Commission may take with respect to SFUSD's motion to strike the Reply and Exhibits in whole or in part, the Commission and Mass Media Bureau should nevertheless take immediate action to protect the privacy interests of these unsuspecting donors by sealing Lopez Exhibit C or, alternatively, removing all of Lopez Exhibit C from the public files or redacting all personal information concerning these individuals from all public copies of this exhibit.

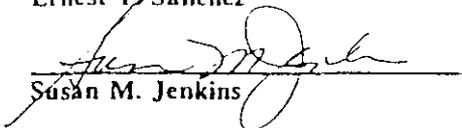
Dated: March 18, 1998

Respectfully submitted,

SAN FRANCISCO UNIFIED SCHOOL DISTRICT,
Licensee of KALW(FM), San Francisco, CA.

By:


Ernest T. Sanchez


Susan M. Jenkins

Its Attorneys
Office of Ernest T. Sanchez
2000 L Street, N.W., Suite 200
Washington, D.C. 20036
(202) 237-2814

CERTIFICATE OF SERVICE

I hereby certify that, on this 18th day of March, 1998, I served a true copy of the foregoing Motion of SFUSD to Place Under Seal, Redact, or Remove Exhibit upon the following persons by DHL Express, overnight delivery, invoice paid by sender, addressed as follows:

Ms. Deirdre Kennedy
Golden Gate Public Radio
2206 Greenwich Street, # 202
San Francisco, CA

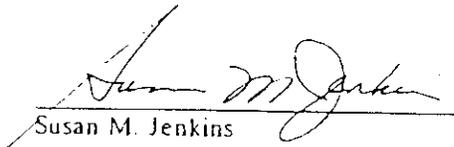
Mr. Jason Lopez
Golden Gate Public Radio
250 Dorland Street
San Francisco, CA 94114

With courtesy copy to:

Jeffrey A. Berchenko, Esq.
Berchenko & Korn
240 Stockton Street, 3rd floor
San Francisco, California 94108

And by hand-delivery to:

Y Paulette Laden, Esq.
Chief, EEO Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., 7th Floor
Washington, D.C. 20554


Susan M. Jenkins

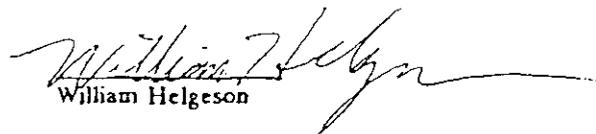
DECLARATION OF WILLIAM HELGESON

I, William Helgeson, under penalty of perjury, do declare as follows:

1. My name is William Helgeson. My address is 184 Bonview Street, San Francisco, CA. I make this declaration based upon my own personal knowledge.
2. I am employed by the San Francisco Unified School District ("SFUSD") as Program Manager for KALW(FM); this position is also termed "Operations Manager." I am also currently serving as KALW's Acting Station Manager.
3. SFUSD's attorneys have provided me with copies of certain pledge forms and have represented to me that these forms were attached as an Exhibit to the Reply filed by Golden Gate Public Radio to SFUSD's Opposition. I have reviewed these documents and recognize them as copies of pledge forms that were filled in during KALW's April 1997 on-air pledge drive. The program "Tangents" that is indicated on some or all of these forms is a radio program broadcast by KALW. These documents appear to represent pledges of donations made during or shortly after broadcast of this program during that on-air pledge drive. None of the individuals identified in these forms provides support for "Tangents" or other specific programs broadcast by KALW. On the contrary, subscriber and other donor pledges collected by KALW as a result of on-air pledge drives are used for the general support of KALW and are not allocated to any specific program or programs.
4. The originals of these pledge forms are routinely maintained in a wall cabinet across from my desk. Authorized access to that cabinet is limited to me (both as Operations Manager and as Acting Station Manager), Theresa Nguyen, the office secretary/administrative assistant, and Paul Fey, a KALW volunteer who provides data entry services in connection with KALW's pledge drives. Neither Jason Lopez, Deirdre Kennedy, nor Mel Baker is authorized to have access to that cabinet or those forms.
5. Donors who contribute to KALW(FM) as subscribers or otherwise in the form of pledges made during an on-air pledge drive are not regarded by the station (or by anyone else in public broadcasting to my knowledge) as providing support for specific programs. Donors who mention certain programs or whose pledges are made during or immediately after the broadcast of such programs during pledge drives are, rather, regarded as an indication of the popularity of such programs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on MARCH 12 1998.


William Helgeson

SFUSD-000608

ATTACHMENT

G-2

SFUSD-000609

RUC

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

February 5, 2001

IN REPLY REFER TO:
1800B3

Ernest T. Sanchez, Esq.
2000 L Street, N.W., Suite 200
Washington, D.C. 20036

In re: KALW(FM), San Francisco, CA
Facility ID No. 58830
San Francisco Unified School District
File No. BRED-19970801YA

Petition to Deny

Motion to Place Under Seal

Dear Mr. Sanchez:

We have before us: (1) the captioned application of the San Francisco Unified School District ("SFUSD") for renewal of license for station KALW(FM), San Francisco, California; (2) a "Petition to Deny" that application, filed by Golden Gate Public Radio ("GGPR"); and (3) various motions and related pleadings. In this letter, we request additional information responsive to specific allegations raised by GGPR, and we grant to the extent specified below SFUSD's uncontested March 18, 1998 "Motion to Place Under Seal, Redact, or Remove Exhibit" ("Motion to Place Under Seal").

Motion to Place Under Seal. In a reply pleading filed on February 18, 1998, GGPR attaches as Exhibit C to the Declaration of Jason Lopez fourteen pledge sheets from KALW(FM)'s April 1997 on-air pledge drive. These forms contain personal and proprietary information about the individual donors. SFUSD objects to the use of these documents because, among other reasons, they violate the donors' right to the privacy of such information. GGPR concedes that the initial Exhibit C contains privileged financial information that it did not intend to release to the public.

We concur with SFUSD's concerns. We will therefore grant SFUSD's motion to the extent that we will remove from all Commission copies of GGPR's February 18, 1998 reply pages 1-14 of Exhibit C to the Declaration of Jason Lopez.¹ Cf. 47 C.F.R. §§ 0.457(d), 0.459.

¹ We note that redacted copies of each of those pages is submitted as part of a March 31, 1998 GGPR responsive

Substantive Allegations. Among the allegations raised by GGPR is the charge that the KALW(FM) public inspection file is incomplete. Specifically, GGPR charges that KALW(FM) (1) failed to file and place in its public inspection file supplemental ownership reports concerning changes in school board membership, as required by 47 C.F.R. §§ 73.3527 (a)(4) [now 73.3527(e)(4)] and 73.2615(f);² (2) failed to maintain the quarterly issues/programs list in the public file between January of 1991 and April of 1997, during which time twenty five such reports should have been placed in the file pursuant to what was then Section 73.2527(a)(7) [now Section 73.3527(e)(8)]; and (3) failed to adequately maintain donor lists under Section 73.3527(a)(8) [now Section 73.3527(e)(9)]. We have reviewed SFUSD's responsive pleadings and motions, and it appears that SFUSD has not addressed these specific allegations.

Accordingly, we direct SFUSD to respond to the following questions:

1. On August 1, 1997, when the subject license renewal application was filed, did the KALW(FM) public inspection file contain all of the ownership and supplemental ownership reports required to be kept in the file by then Section 73.3527?
 - a) If the answer is "no," detail any omission or deficiency. If the answer is "yes," please include a copy of each such report with the response to this inquiry letter.
2. On August 1, 1997, did the KALW(FM) public inspection file contain all of the issues/programs lists required by then Section 73.3527? Did any lists that were in the file contain the information required by Section 73.3527?
 - a) If the answer is "no," to either inquiry, detail any omission or deficiency. If the answer is "yes," include a copy of each issues/programs list with the response to this letter.
3. On August 1, 1997, did the KALW(FM) public inspection file contain a complete listing of donors supporting specific programs, as required by then Section 73.3527?⁴

pleading entitled "GGPR's Opposition to SFUSD's Motion to Dismiss GGPR's Petition to Deny and GGPR's Opposition to SFUSD's Motion to Strike, in Whole or in Part, GGPR's Reply to SFUSD's Opposition and Alternative Motion for Leave to File Surreply and GGPR's Response to SFUSD's Motion to Place Under Seal, Redact, or Remove Exhibit."

² GGPR indicates that three board changes occurred subsequent to the most recent (January 1991) ownership report found in the KALW(FM) public inspection file.

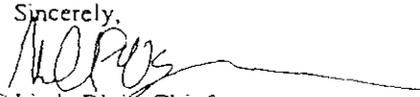
³ Section 73.3527 requires that, every three months, station file "a list of programs that have provided the station's most significant treatment of community issues during the preceding three-month period. . . The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment (and) the description of the programs shall include . . . the time, date, duration, and title of each program in which the issue was treated."

- a) If the answer is "no," detail any omission or deficiency.
4. If the answer to any of the above questions is "no," detail when and precisely what steps were instituted to correct any problem and ensure that the public inspection file contained all requisite materials?
5. As of the date of this letter, is the KALW(FM) public inspection file now complete?
- a) If the answer to any of questions 1-3 above is "no," and presuming that the public inspection file is now complete and current, give the date on which the KALW(FM) public inspection file contained all required materials.

We also direct SFUSD to limit its response to answering to the specific inquiries made above.⁵ Any extraneous matter will not be considered. The answers provided should be labeled clearly and organized *seriatim* according to the number and/or letter of each specific inquiry, and SFUSD should serve a copy of the responsive document both GPRR and its counsel, Jeffrey A. Berchenko, Esq.

We will withhold action on the KALW(FM) license renewal application and petition for 30 days from the date of this letter to enable SFUSD to prepare and submit a response. The response should be filed in paper form in triplicate with the Office of the Secretary and contain an affidavit of a KALW(FM) principal or management-level employee with personal knowledge of the facts reported.

Sincerely,


Linda Blaff, Chief
Audio Services Division
Mass Media Bureau

cc: San Francisco Unified School District
Golden Gate Public Radio
Jeffrey A. Berchenko, Esq.

⁴ We do not consider the preferences expressed by those making donations during pledge to constitute support for a specific program such that the donor's pledge form or card must be kept in the public inspection file.

⁵ We also remind SFUSD that its recordkeeping obligations predate the hiring of Jeffrey Ramirez as KALW(FM) General manager on August 5, 1996.

ATTACHMENT

H

SFUSD-000613

FEDERAL COMMUNICATIONS COMMISSION

RE: APPLICATION FOR)
RENEWAL OF LICENSE)
OF RADIO STATION)
KALW)
BLED 1644)
_____)

AFFIDAVIT OF
MICHAEL JOHNSON
IN SUPPORT OF PETITION OF
GOLDEN GATE PUBLIC RADIO
TO DENY LICENSE RENEWAL
OF RADIO STATION KALW

I, Michael Johnson, whose address is 6546 Fulton, San Francisco, California 94121, hereby declare as follows:

1. I have worked at KALW since 1992. From the beginning of my employment to
2. September 1997, I have not seen notices posted at KALW which state that KALW
3. or SFUSD is an Equal Opportunity Employer. I have never seen at KALW notices
4. posted which state that employees have the right to notify an appropriate State or
5. Federal agency if they believe they have been the victims of discrimination. Since
6. 1992, I did not see notices posted in KALW for openings for Station Manager in
7. 1992, for Operations Manager in 1992, for Public Service and Development Director
8. in 1994, for Station Manager in 1995, for Underwriting Coordinator in 1996, for
9. Youth Program Manager in October 1996, and for the position Michael Moon was
10. going to be hired to in 1997. I am African-American and at no time in my
11. employment at KALW was I notified of, or encouraged to apply for, positions of

AFFIDAVIT OF MICHAEL JOHNSON – PAGE 1

SFUSD-000614

Exhibit B, page 1 of 2

- 12. greater responsibility for which I was qualified, such as Youth Program Manager,
- 13. Operations Manager, Station Manager.
- 14. In early October 1996, I noticed Ana Perez at KALW. She was suddenly at KALW
- 15. every day. I had a meeting with Station Manager Jeff Ramirez and asked him why
- 16. Ms. Perez was at the station. He told me she was the new Youth Program
- 17. Manager. I asked him what process was used to fill the opening, and I asked him
- 18. why I didn't know about it. He gave me a vague answer, but he did tell me that
- 19. the Youth Program Manager hire was not done properly.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

October 29, 1997

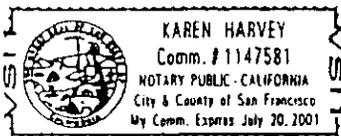


 Michael Johnson

STATE OF CALIFORNIA)
 COUNTY OF SAN FRANCISCO)
 _____)

On this 29th day of October, 1997, before me, a Notary Public, State of California, duly commissioned and sworn, personally appeared Michael Johnson, personally known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the City of San Francisco, County of San Francisco on the day set forth above in this certificate.





 Notary Public, State of California

My commission expires July 20, 2001

Exhibit B, page 2 of 2

SFUSD

San Francisco Unified School District 135 Van Ness Avenue San Francisco California 94102-5299

February 13, 1998

Michael Johnson
6540 Fulton Street
San Francisco, CA 94121

Dear Mr. Johnson:

This is in response to the complaint you filed with the District regarding the application procedure used in filing a 3532 Program Manager position at KALW in 1996.

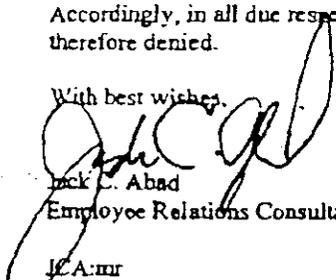
This complaint was not made through the grievance procedure, but through the Board Policy authorizing employees to file complaints. This complaint was filed on October 3, 1997 and I conducted a hearing on January 26, 1998. You represented yourself at this hearing.

The substance of your complaint is that the job was not posted on the offices of KALW. You acknowledge that the announcement was posted elsewhere in the School District and in the Civil Service Commission offices.

At the hearing, you were not able to cite any Board Policy or Regulation that was violated in this application procedure. In my research of the matter, I have found that this procedure was conducted according to established procedure, policy and regulation.

Accordingly, in all due respect, I find that your complaint is without merit and is therefore denied.

With best wishes,


Jack C. Abad
Employee Relations Consultant

JCA:mr

cc: Enrique Palacios ✓
Elaine Lee

Exhibit AA, p. 26 of 26

FEDERAL COMMUNICATIONS COMMISSION

RE: APPLICATION FOR	)	AFFIDAVIT OF
)	
RENEWAL OF LICENSE	)	<u>DAVE EVANS</u>
)	
OF RADIO STATION	)	IN SUPPORT OF PETITION OF
)	
KALW	)	GOLDEN GATE PUBLIC RADIO
)	
BLED 1644	)	TO DENY LICENSE RENEWAL
)	
	)	OF RADIO STATION KALW

I, Dave Evans, whose address is 13 Eugenia, San Francisco, California 94110, hereby declare as follows:

1. I am the Chief Engineer of KALW. In the last week of August 1996, I had a meeting
2. with Station Manager Jeff Ramirez to discuss problems that I thought needed his
3. attention. I told Mr. Ramirez the public inspection file was a mess and it needed his
4. immediate attention. Among many other items, I told Mr. Ramirez that Ownership
5. Reports and quarterly issues reports hadn't been filed, and that the EEO program
6. was out of date.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

AFFIDAVIT OF DAVE EVANS - PAGE 1

Exhibit C, page 1 of 2

SFUSD-000617

October 28, 1997

[Signature]
Dave Evans

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)
_____)

On this 28th day of October, 1997, before me, a Notary Public, State of California, duly commissioned and sworn, personally appeared Dave Evans, personally known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the City of San Francisco, County of San Francisco on the day set forth above in this certificate.



[Signature]
Notary Public, State of California

My commission expires July 20, 2001

AFFIDAVIT OF DAVE EVANS - PAGE 2

Exhibit C, page 2 of 2

SFUSD-000618

FEDERAL COMMUNICATIONS COMMISSION

RE: APPLICATION FOR	)	AFFIDAVIT OF
RENEWAL OF LICENSE	)	<u>SUSEN HECHT</u>
OF RADIO STATION	)	IN SUPPORT OF PETITION OF
KALW	)	GOLDEN GATE PUBLIC RADIO
BLER 1644	)	TO DENY LICENSE RENEWAL
	)	OF RADIO STATION KALW

I, Susen Hecht, whose address is 1353 Filbert, San Francisco, California 94109, hereby declare as follows:

1. I have been volunteering at KALW for four years. I come to KALW on Tuesdays
2. from noon to 5 to assist with general office work. In June 1997, Station Manager
3. Jeff Ramirez asked me to review the public inspection files for license renewal
4. purposes, which I did. I found the files disorganized and incomplete. I itemized the
5. contents of the files and gave Mr. Ramirez written confirmation titled *License*
6. *Renewals Materials - In Files at Present* in June 1997.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

AFFIDAVIT OF SUSEN HECHT - PAGE 1

Exhibit D, page 1 of 2

SFUSD-000619

October 28, 1997

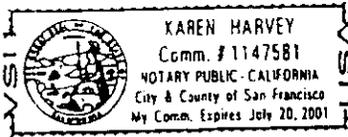
Susen Hecht

Susen Hecht

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)
_____)

On this 28th day of October, 1997, before me, a Notary Public, State of California, duly commissioned and sworn, personally appeared Susen Hecht, personally known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the City of San Francisco, County of San Francisco on the day set forth above in this certificate.



Karen Harvey

Notary Public, State of California

My commission expires *July 20 2001*

AFFIDAVIT OF SUSEN HECHT - PAGE 2

Exhibit D, page 2 of 2

SFUSD-000620

Affidavit of
JOSEPH HUGHES
RE: KALW's License Renewal

I, Joe Hughes, whose address is 4149 26th Street, San Francisco, California 94131, hereby declare as follows:

1. On September 10, 1997 I saw for the first time since I began working on a
2. regular basis at KALW in 1993, a posted notice that states that the San
3. Francisco Unified School District is an Equal Opportunity Employer. As of
4. today's date, October 29, 1997, I have not seen, at any time, a notice which
5. informs KALW employees of their right to notify an appropriate State or
6. Federal agency if they believe they have been the victims of discrimination.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

October 29, 1997



Joseph Hughes

Exhibit I, page 1 of 1

SFUSD-000621

FEDERAL COMMUNICATIONS COMMISSION

RE: APPLICATION FOR	)	AFFIDAVIT OF
)	
RENEWAL OF LICENSE	)	<u>MEL BAKER</u>
)	
OF RADIO STATION	)	IN SUPPORT OF PETITION OF
)	
KALW	)	GOLDEN GATE PUBLIC RADIO
)	
LED 1644	)	TO DENY LICENSE RENEWAL
)	
	)	OF RADIO STATION KALW

I, Mel Baker, whose address is 250 Dorland Street, #3, San Francisco, California 94114, hereby declare as follows:

1. I am an employee at radio station KALW.
2. On October 29, 1997, I spoke with Candace Kronich, an administrator with the San
3. Francisco Unified School District's Classified Employees Department. She told me
4. that Bill Helgeson was appointed to the provisional position of program manager in
5. November, 1992. She also told me that Anna Perez is a provisional employee as
6. program manager and that Lynne Nerenbaum is an independent contractor.
7. On October 29, 1997 I spoke with Patty Tamara, a business representative of the
8. Service Employees International Union, Local 790. She told me of a union
9. grievance filed against school district managers, Elaine Lee and Enrique Palacios,
10. on May 29, 1996. During the district hearing process, Palacios was proven to have
11. misused his authority in pursuing disciplinary action that had no merit against KALW
12. employees, Michael Johnson and Joanne Mar.
13. In searching the public file on October 30, 1997, I found no contracts or other

Exhibit F, page 1 of 2

SFUSD-000622

14. records for Carol Pierson, Claire Greene, and Michael Wallace for their work as
15. fund drive coordinators for KALW over the 1995-96 period. My employment at
16. KALW was concurrent with the period during which the aforementioned contractors
17. worked at KALW. The Board of Education listings in Exhibit R are true and correct
18. and are based on listings from KALW's published program guides.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

OCTOBER 31, 1997

Date



Mel Baker

Exhibit F, page 2 of 2

SFUSD-000623

FEDERAL COMMUNICATIONS COMMISSION

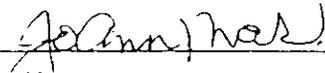
RE: APPLICATION FOR	)	AFFIDAVIT OF
RENEWAL OF LICENSE	)	<u>JOANN MAR</u>
OF RADIO STATION	)	IN SUPPORT OF PETITION OF
KALW	)	GOLDEN GATE PUBLIC RADIO
BLED 1644	)	TO DENY LICENSE RENEWAL
	)	OF RADIO STATION KALW

I, Joann Mar, whose address is 1200 Virginia Street, Berkeley, California 94702, hereby declare as follows:

1. I have been an employee of KALW since April 1986.
2. Since 1991 I have been the Shop Steward for the union, Service Employees International
3. Union, which represents KALW employees. SEIU has an agreement with SFUSD which
4. uses Civil Service Commission rules for hiring and employment.
5. From April 1991 to September 1997, I did not see a notice informing KALW employees that
6. KALW is an equal opportunity employer, and that they have the right to notify an appropriate
7. State or Federal agency if they believe they have been the victims of discrimination.
8. I did not see any postings or advertisements for positions filled by the following personnel:
9. Jerry Jacob, Station Manager, August, 1992; Bill Helgeson, Operations Manager, 1992;
10. Rose Levinson, Director of Development, 1994, and Station Manager, 1995; Lynne
11. Nerenbaum, Underwriting Coordinator, August, 1996; and Ana Perez, Program Manager,
12. October 1996. I did not see any postings or advertisements for a position to be filled by
13. Michael Moon, September 1997.
14. I am an Asian-American female and I was not informed of, nor encouraged to apply for,
15. positions of greater responsibility such as Program Manager and Station Manager.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

October 29, 1997



Joann Mar

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Exhibit H, page 1 of 1

May 16, 1996

Josie Mooney
SEIU Local 790
Fox Plaza
1390 Market Street, Suite 1118
San Francisco, California 94102

Dear Ms. Mooney:

I am the Union shop steward for KALW, the radio station that you represented for a short period of time. We are facing serious problems and I am turning to you for a second opinion.

Our former manager Jerry Jacob often stated that it was his intention to remove KALW from Civil Service. Even though Mr. Jacob is no longer manager, we know that he remains in constant communication with Enrique Palacios, who is in charge of overseeing KALW. Mr. Palacios appears to be carrying out Mr. Jacob's mandate by instructing our current manager Rose Levinson not to fill any vacancies that may occur. KALW has no civil service lists in effect for any permanent positions (i.e. station manager, program manager, chief engineer, and announcer/operator). Currently, the station manager, the program manager, and one announcer/operator position are vacant. These positions are currently being filled by temporaries and consultants. Mr. Palacios is currently conducting a campaign to terminate our chief engineer and it's likely that this position will soon become vacant as well.

We have asked Ms. Levinson to request Civil Service to proceed with an examination for the 3535 announcer/operator position, but she refuses to cooperate. She has stated that it is counter-productive for the station to have civil service positions and that she will not allow the current announcer vacancy to be filled on a permanent basis so long as she is general manager.

I am appealing to you for your help and want to know what can be done to stop this insidious effort to remove KALW from civil service and thus by extension from union protections. I have had several conversations with our business agent Patti Tamura, who tells me that the union can do nothing. Is this true? I am concerned that if we continue to stand by and do nothing, we will wake up one morning and find KALW completely staffed by temporaries and consultants.

Exhibit P, page 1 of 2

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