

le Sawaya

From: Nicole Sawaya [nsawaya@poet.sfusd.edu]
To: esanchez@bellatlantic.net
Subject: Re: KALW Renewal Status

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Thanks Ernie.

I have forwarded your response to Jackie Wright. Will confer with her and get back to you.
 Thanks,
 Nicole

 At 10:26 PM 4/2/03 -0500, you wrote:
 <blockquote type=cite class=cite cite>Nicole,

 I'm sorry to have missed your call today.
 I did call back but you were obviously tied up.
 Here is what is going on with the KALW license renewal matter:

 We have been checking at the FCC on a daily basis since you and I spoke last.
 This is a delicate matter because we have to strike a balance between showing the staff we need an answer without making them feel that they are being hounded.

 The basic attitude of the staff is that we have suffered no harm because we have been allowed to continue operating.
 Presumably, they have dealt with this renewal as not very important because of their intention not to take any major action against the station. We have been trying to educate them about the psychological harm to the station entailed by the open ended delay.

 Because I remain confident that the renewal itself will be granted, I have felt that it was most prudent to try and make ourselves as small a target as possible when it comes to a potential fine.
 As we pressure the staff for the decision, we potentially increase the possibility that a fine will be imposed for the undisputed public file errors(or that the size of the fine will be increased). In addition, it is vital that our efforts to get the decision issued not be perceived as an improper--and legally prohibited -- effort to influence the content of the decision itself.

 I know it may sound unfair or even irrational but there are some people at the FCC whose attitude can be described as "You want a decision? We'll give you a decision."

 I acknowledge we've been more than patient and have played by all the rules during the renewal process.
 As you have urged, however, I am moving up the decision making line and trying to get the decision issued without causing a negative counter reaction which could be harmful to us. I take it from your message today that you feel some additional risk is justified in order to bring the waiting game to an end. I need your continued guidance on how much pressure to apply.

 I have been working the phones this afternoon and will continue tomorrow.
 I will call you with a status report by the end of this week.

 I fully understand and empathize with your frustration. This is truly a lousy system that often punishes the innocent more than the guilty. I know you are familiar with the legal proverb, "justice delayed is justice denied." You've certainly lived it first hand.

 Yours in shared frustration,

 Ernie

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Federal Communications Commission	
Docket No. <u>04-191</u>	Exhibit No. <u>24</u>
Presented by <u>SFUSD</u>	
Disposition	Identified <u>S/A/G/O/S</u>
	Received <u>S/A/G/O/S</u>
	Rejected _____
Reporter <u>Erika Steadman</u>	1
Date <u>5/26/05</u>	

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