

07-260

Petition to Deny Renewal
Filed by Voice for New Jersey
In the matter of the application for renewal of Station License of WWOR(TV)
BRCT-20070201AJT

FILED/ACCEPTED
APR 30 2007
Federal Communications Commission
Office of the Secretary

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SUMMARY

Voice for New Jersey (VNJ), an affiliation organized to promote better broadcast media coverage in New Jersey, is filing this petition to deny the renewal of station license for WWOR(TV). The petition is based on WWOR's failure to meet the needs of its community of license. Specifically, WWOR has failed to provide adequate news coverage of New Jersey elections and New Jersey government and has failed to provide adequate local news coverage in its community of license. WWOR has additionally failed to honor the specific obligations imposed on the station by the Federal Communications Commission. These obligations were established in recognition of WWOR's status as the only commercial VHF station licensed in the State of New Jersey, and the significant lack of television coverage dedicated to the densely populated northern New Jersey market.

The petition provides detailed information and analyses in support of these statements. This support takes the form of both third party studies and original research and analysis by VNJ members.

In 2005, the Eagleton Institute of Politics at Rutgers University analyzed media coverage of the 2005 elections. Their study contained the most comprehensive analysis of television election coverage that had ever been conducted in New Jersey. Among the study's findings was the conclusion that "... WWOR barely covered the 2005 elections."

Voice for New Jersey members undertook an independent review of WWOR's own reports of its compliance with its public interest obligations. The information reviewed included five quarterly "Issues and Programming Reports" covering all of 2006 and the first quarter of 2007. Also reviewed were eleven attachments to WWOR's application for license renewal. These attachments contained WWOR's documentation of its "Service to New Jersey" for the period 1999 to 2006. Finally, VNJ members monitored WWOR's news broadcasts for a period of approximately two weeks.

The results of this analysis offered surprising insight into the lack of adequate service offered by WWOR to its community of license. Based on the station's own reporting, WWOR averaged less than one New Jersey news story every two days from 1999 through 2006. In our detailed analysis of WWOR's 2006 news coverage, a scant 2.66 hours of New Jersey news coverage was provided in the first three quarters of the year. In the fourth quarter of 2006 and the first quarter of 2007, WWOR stopped reporting the airtime of its stories altogether.

As might be expected, this lack of airtime is reflected in very poor local coverage in the station's community of license. The municipalities of Jersey City, Patterson, Elizabeth, Edison, and Woodbridge, with populations ranging from nearly 100,000 to over 240,000, received only 28 news stories in total for all of 2006 and the first quarter of 2007. The bulk of these stories were crime-related, were generally negative in tone, and provided little in the way of substantial coverage of community issues.

VNJ's monitoring of WWOR's news broadcasts revealed a strong New York City bias in the station's coverage. The subjective impressions of the study participants were backed up by empirical data—WWOR's own 2006 Issues and Programming Reports indicate that New York stories received 77% more airtime than New Jersey stories. This bias is further reflected in WWOR's marketing and branding, which strongly identify the station with the New York City market and specifically eschew any identification with the community of license.

For all of these reasons, renewal of WWOR's Station License is *prima facie* inconsistent with the public interest standard set forth in Section 309(a) of the Communications Act. Accordingly, the application of WWOR should be designated for hearing.

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of
Application for Renewal of Station License of

WWOR(TV)
Secaucus, NJ

)

BRCT-20070201AJT



PETITION TO DENY RENEWAL

Pursuant to Section 309(d)(1) of the Communications Act, Voice for New Jersey (VNJ)¹ respectfully submits this petition to deny renewal of the above captioned application. As is demonstrated below, grant of this application is *prima facie* inconsistent with the public interest standard set forth in Section 309(a) of the Communications Act. Accordingly, the application of WWOR should be designated for hearing.

INTRODUCTION

This petition challenges the renewal of the station license for the commercial television station WWOR, licensed in the state of New Jersey. The basis of this challenge is that this station has failed to meet the needs of its community of license and, therefore, that renewal of its license would not serve the public interest. Specifically, as documented below, this station has failed to provide adequate news coverage and election coverage. In particular, the station failed to provide adequate coverage of NJ government (both legislative initiatives and election coverage) at the state and local levels. Further, despite its status as the only commercial VHF station licensed in the state of New Jersey and the attendant obligations imposed by the Commission with respect to serving the Northern New Jersey coverage area, WWOR specifically eschews any identification with its community of license, in its marketing, branding and advertising.

The current policies relating to license renewals were adopted in 1984. At that time, the Commission eliminated programming guidelines as to quantities of news and public affairs programming which would be presumed to constitute service in the public interest. However, in so doing, the Commission

¹ Attachment A hereto is the declaration of Barbara George-Johnson, which identifies VNJ's interest in this application. VNJ is a working group that was created to promote a responsive and responsible public-interest media environment in New Jersey.

stressed that "the basic responsibility to contribute to the overall discussion of issues confronting the community is a non-delegable duty for which each licensee will be held individually accountable." *Deregulation of Radio*, 98 FCC 1075 (1984).

Beyond the normal obligations of any station to serve its community of license, the FCC has specifically imposed special obligations on WWOR to meet the needs of northern New Jersey. As the Commission stated in approving the move of Channel 9 from New York to Secaucus,

[W]e expect [WWOR-TV] to perform a higher degree of service to its Grade B coverage area than is normally required of a broadcast licensee. At renewal time, [WWOR-TV] will be judged by how it has met the obligation to serve the greater service needs of Northern New Jersey, which we view as broader than the specific needs of Secaucus. *Channel 9 Reallocation (WOR-TV)*, 53 RR2d 469, 471 (1983).

ELECTION COVERAGE

Attachment B hereto is the declaration of Ingrid W. Reed, Director of the Eagleton New Jersey Project. Exhibit A to that declaration is a study prepared by the Eagleton Institute of Politics, Rutgers University.² The Eagleton New Jersey Project analyzed the coverage of the 2005 Elections, which were particularly critical to the state of New Jersey. At that time, New Jersey had an "acting" governor who had come to the office one year earlier upon the previous governor's resignation under less than desirable circumstances. As such, these elections held a broad interest for the people of New Jersey. Further, there were two closely contested and visible races in northern and central New Jersey. In the Somerset County area, Congressman Michael Ferguson, a Republican, was challenged by Assemblywoman Linda Stender, and kept his seat by a narrow 1% margin. In the Bergen County area, Paul Aronsohn, a Democrat, ran a well-funded campaign against Congressman Scott Garrett. Finally, the outcome of the only other major race in the New York media market - the mayoral race in New York City- was hardly in doubt.

Ms. Reed's declaration describes the methodology and data collection that was employed in the Eagleton study. The study analyzed the highest-rated nightly news programs shown in the 30 days before

² The Eagleton New Jersey Project is an initiative of the Eagleton Institute of Politics at Rutgers University. The specific study referenced in this document is *Television Coverage of the 2005 New Jersey Election: An Analysis of the Nightly News Programs on Local New Jersey, New York and Philadelphia Stations*. The study was conducted by Dr. Matthew Hale of Seton Hall University (working with the University of Wisconsin NewsLab) and was funded by the Henry and Marilyn Taub Foundation.

the election on 12 stations³ that serve New Jersey. As Ms. Reed explains, the study enlisted highly trained coders at the University of Wisconsin, Madison's NewsLab⁴ who captured and analyzed 332 hours of local news programming during the final 30 days of the 2005 campaign. On most of the stations, the 6:00 – 6:30 pm news broadcasts were selected for analysis as these are typically the highest rated local news broadcasts of the entire day. In addition, the 11:00 pm late news was also captured. WWOR was one of only 3 stations that only aired one hour of news at 10:00 pm (and so this is the programming that was captured). While the study does not claim to analyze all the coverage, it is the most comprehensive analysis on local television election coverage that had ever been conducted in New Jersey. The study provided the following information with regards to WWOR:

- Of the 44 WWOR broadcasts captured during the study period, just 11 (25%) had an election story. Of the all New York stations in the study only one (WNYW) had a lower percentage (11%) of its broadcasts containing an election story. The average for all New York stations was 52%.
- WWOR aired a total of just 13 election stories during these 11 broadcasts. Of these, 10 stories (67%) focused on a New Jersey election, and 9 out of the 10 stories focused exclusively on the race for Governor⁵. As such, WWOR, like many other NY stations, presented no significant election coverage of any local, i.e. non-gubernatorial, New Jersey race.
- Of the 10 stories on WWOR-TV that focused on the New Jersey elections, half of them focused on the “horserace” or campaign strategy and half focused on substantive issues. While this is

³ The stations analyzed were: NY-based network affiliates (WABC, WCBS, WNBC, WNYW); Philadelphia-based network affiliates (WKYW, WCAU, WPVI, WTXF) and New Jersey Stations (CN8, News 12, NJN and WWOR).

⁴ University of Wisconsin, Madison's NewsLab UW NewsLab is a 2,500 square-foot media analysis facility located at the center of the UW-Madison campus, equipped with 35 Windows XP workstations each with the capability of digitizing video from DVD, video cassette, or other digital media. Video can be gathered, sorted, and archived automatically by the *InfoSite* analysis system developed by CommIT Technology Solutions, Inc. UW NewsLab employs and trains undergraduate and graduate students, who learn to be painstakingly detailed in their research methods on a real-time deadline. Wisconsin NewsLab staff then analyze each segment using coding protocols developed by researchers. The UW NewsLab dataset is the most comprehensive and systematic collection of local news ever gathered. Its archives have been crucial resources for scholars documenting the flow and effect of broadcast messages and for policymakers seeking to improve the quality of news coverage across the nation on a variety of topics from elections to health to foreign affairs.

⁵ The remaining election story on WWOR focused primarily on the gubernatorial race also, but did mention other New Jersey candidates who appeared with the two candidates for Governor. It was therefore coded as being about multiple races.

fairly respectable when compared to the low standards seen in national studies of local news, it is important to recognize that the large majority (70%) of WWOR's stories aired in the final week of the election. This means New Jersey residents who rely on WWOR for their election news had to wait until the campaign was virtually over before getting it.

- The 2005 New Jersey gubernatorial race was generally classified as a nasty race. This is reflected in the fact that, like all the other stations in the study, WWOR failed to air a single story that could be categorized as having a positive tone.

The Eagleton analysis concluded that results for "WWOR are at best mixed.... WWOR barely covered the 2005 elections".⁶ The results speak for themselves, and clearly indicate the station's failure to serve its community of license.

PROGRAMMING AND ISSUES

As required by the Commission, WWOR prepares a quarterly "Issues and Programming Report" which is designed to demonstrate a station's compliance with its public interest obligations. The report is intended to present the licensees most significant programming treatment of community issues.

Attachment C hereto is the declaration of Charles Lovey, a member of Voice for New Jersey. Mr. Lovey has analyzed five quarterly reports encompassing all of 2006 and January – March 2007 (This analysis is attached as Exhibit B). Using the information on news coverage provided by the station in these filings, news stories have been identified by location (New Jersey vs. NYC and boroughs, Staten Island, Other NY, Connecticut, other local and national/international) and by subject matter (government/politics, crime/law enforcement/ tabloid, human interest, and general news). This analysis has yielded the following information:

- The quantity of news coverage provided by WWOR is not adequate to properly serve the community of license. WWOR reported **LESS THAN 10 HOURS OF TOTAL NEWS COVERAGE** in its Issues and Programming Reports covering the first three quarters of 2006. For the fourth quarter of 2006

⁶ Eagleton NJ Project, *Television Coverage of the 2005 New Jersey Election: An Analysis of the Nightly News Programs on Local New Jersey, New York and Philadelphia Stations*, Eagleton Institute of Politics, Rutgers University, New Brunswick, NJ.

and the first quarter of 2007, WWOR stopped reporting the airtime of its stories altogether.

- WWOR's coverage of New Jersey issues is completely inadequate. Of the 9.85 hours of news coverage reported in the first three quarters of 2006, a scant 2.66 hours (27%) was dedicated to New Jersey stories. By way of contrast, 4.72 hours of coverage was dedicated to New York stories—more than 77% more broadcast time.
- Of the total 278 New Jersey stories reported over 5 quarters, 28% focused on crime (including many sensational stories such as “Guns Near School”, “Fighting Gangs”, “Videotaping Pervert”, etc.); 46% covered government and politics (taxes, civil unions, elections, etc.) and only the remaining 26% were dedicated to general news and issues (affordable housing, health, education, etc.)
- For the 1st Quarter of 2007, only seven (7) news stories IN TOTAL were included in the WWOR Issues and Programming Quarterly Report.

Once again, the foregoing analysis clearly indicates the station's failure to serve its community of license.

SERVICE TO NEW JERSEY

WWOR has submitted to the Commission eleven reports that were attached as Exhibit 25 to WWOR's Application for License Renewal in a section entitled “Service to New Jersey”. The content of these reports is substantially a subset of the combined content of WWOR's quarterly “Issues and Programming Reports” for a given year, and set forth the station's public interest programming which is specific to New Jersey for the years 1999 - 2006.

Attachment C hereto is the declaration of Charles Lovey who has analyzed the contents of the eleven reports. To verify consistency between the 2006 “Service to New Jersey” report and our analysis of WWOR's “Issues and Programming Reports” for the same time period, the contents of the two reports were compared, with particular emphasis on the analysis of news coverage as described in the “Programming and Issues” section of this document. This analysis is summarized in Exhibit C hereto and has yielded the following information.

- WWOR's own reporting reveals a very inconsistent approach to covering New Jersey issues, and an overall lack of adequate news coverage. As shown in Exhibit C, WWOR's "Service to New Jersey" reports indicate a total of 1,354 New Jersey news stories for the years 1999 – 2006. This suggests an average of less than 170 New Jersey news stories per year, or **LESS THAN ONE NEW JERSEY STORY EVERY TWO DAYS.**
- Results for 2005 skew these results upward. Over one half of the news stories reported (715 of 1,354 stories) were aired in 2005. The 2005 period saw an explosion in the reporting of crime stories, with 372 crime stories broadcast. Many of these stories had a lurid, tabloid quality with titles such as "Murder at McDonalds" and "Rape at Rutgers".
- Other issues raised in the "Service to New Jersey" attachments serve as additional indications of WWOR's failure to provide adequate service to its community of license. For example, the airing of Public Service Announcements (PSA's) is typically viewed as a significant component in a station's public service obligations. WWOR reported only 0 public service announcements¹ aired in the 2005 – 2006 period. There was NO reporting of PSA's in any of the other periods from 1999 to 2005.
- In addition to WWOR's lack of New Jersey news coverage and PSA's, the station's reported level of public affairs programming is also inadequate. For 2006, only 30 New Jersey public affairs programs were aired. All or substantially all of these programs air for 30 minutes, meaning that **WWOR AVERAGES LESS THAN 1.5 HOURS OF DEDICATED PUBLIC AFFAIRS PROGRAMMING EACH MONTH.**
- We have compared the news programming set forth in the four quarterly "Issues and Programming Reports" for 2006 and compared them to the "Service to New Jersey" attachments to WWOR's renewal application. A total of 215 New Jersey news stories were listed in the 2006 attachments. Curiously, WWOR only chose to include the periods from January 1 to August 30, 2006, and October 21 to October 31, 2006 in this report. Our analysis of the quarterly Issues and

Programming Reports identified 190 news stories relating to New Jersey for these same time periods.

- In analyzing the 2006 “Service to New Jersey” news stories, we quickly identified 7 stories that plainly are not New Jersey stories, and three stories that are duplicated. Subtracting these yields a net 205 news stories reported in the “Service to New Jersey” attachments.
- While there is still some discrepancy, (for example, some sports stories are included in the “Service to New Jersey” totals and not in the “Issues and Programming” totals), there is reasonable congruence between the two analyses. The “Service to New Jersey” report does not contain any information that would cause us to question the validity of our analysis of the Issues and Programming Reports.

LOCALISM

The Commission has historically viewed Localism as a critical element in its evaluation of a station’s service to its community of license. Stations have an obligation to serve the public interest by reporting on relevant news taking place in the communities that they serve. Accordingly, the quantity and quality of a station’s news coverage of events in significant population centers in the community of license is a meaningful measure of its performance.

WWOR serves the northern part of New Jersey. Based on US Census Data for the Year 2000, New Jersey’s six largest municipalities fall within WWOR’s service area. These municipalities range from Newark and Jersey City, with 273,000 and 240,000 residents respectively, to Edison and Woodbridge Townships, each with populations just under 100,000. The Cities of Patterson and Elizabeth, with populations of approximately 150,000 and 120,000 respectively, constitute the balance.

The previously referenced declaration of Charles Lovey (Attachment C hereto) discusses his analysis of news coverage in each of these municipalities. While there appears to be reasonable coverage of local affairs in Newark, New Jersey’s largest City, the other five large municipalities fare dramatically less well. The analysis yielded the following information:

- Of the 285 New Jersey news stories reported by WWOR in its quarterly “Issues and Programming Reports” covering the 15 month period from January 1, 2006 to March 31, 2007, 109 new stories related to State-level issues and 176 stories related to local issues.
- Of the 176 local news stories, 91 stories related to the State’s six largest municipalities of Newark, Jersey City, Patterson, Elizabeth, Edison, and Woodbridge. The remaining 85 stories covered events in other municipalities or could not be tied to a specific location based on the information reported.
- A total of 63 news stories covered the City of Newark. 50 of these stories aired in the first three quarters of 2006 and had aggregate airtime of 37 minutes. Airtimes were not reported for the 4th quarter of 2006 and the first quarter of 2007.
- Other major municipalities in WWOR’s community of license received dramatically less coverage than Newark. Statistics for the five remaining municipalities demonstrate that WWOR has failed to provide adequate news coverage to properly serve the community of license.
- The City of Jersey City is located in Hudson County and has a population of 240,000 people. Only 13 news stories covered Jersey City during the five quarters analyzed. Of these, 12 stories aired during the first three quarters of 2006 and had a total airtime of 11:30. About half of these stories covered crime / law enforcement issues and were generally negative in tone.
- The City of Patterson is located in Passaic County and has a population of 149,000 people. Only 8 news stories covered Patterson during the five quarters analyzed. Of these, 6 stories aired during the first three quarters of 2006 and had a total airtime of 7:05. Half of these stories covered crime / law enforcement issues.
- The City of Elizabeth is located in Union County and has a population of 120,000 people. Only 2 news stories covered Elizabeth during the five quarters analyzed. One story related to Homeland Security issues at Port Elizabeth. The other story covered a teen shooting.
- Edison Township is located in Middlesex County and has a population of 98,000 people. Only 4 news stories covered Edison during the five quarters analyzed, and all were negative in tone. The

stories discussed allegations of police brutality, police corruption, racial discrimination, and a hate crime. Total airtime was 2:35.

- Woodbridge Township is located in Middlesex County and has a population of 97,000 people. Only one news story covered Woodbridge during the five quarters analyzed. The story covered racial tensions between neighbors arising from a woman flying the Puerto Rican flag outside her home.

During the five quarters analyzed, Jersey City approved the development of 9,500 new residential units, completed a renovation of the aging Jersey City Armory, and filed litigation against several large-scale corporate polluters. Paterson saw plans announced for the development of a new State Park in the Great Falls area. Elizabeth saw continued progress on its Hope VI redevelopment initiative and announced a major expansion of the Elizabeth campus of Union County College. Edison passed a referendum restricting use of eminent domain, worked to restore the Edison Memorial Tower, and fought the development of a new WalMart store. The Mayor of Woodbridge announced a government ethics reform agenda including redevelopment “pay to play” legislation. The Issues and Programming reports filed by WWOR do not reflect coverage of any of these stories.

RECENT ANALYSIS

In April, 2007, Voice for New Jersey undertook its own study, monitoring two weeks of the WWOR news at 10:00 PM. The stories carried in WWOR’s news coverage were then compared with the key news stories reported each day in print and online media, with a focus on significant news in the station’s community of license.

Attachment D hereto is the declaration of Amanda Missey, a member of Voice for New Jersey. Ms. Missey has reviewed programming logs prepared and analyzed by various members of Voice for New Jersey (attached as Exhibit D). The salient results of this review are summarized below.

News broadcasts were monitored over a 12-day period ranging from April 9 to April 20, 2007. This period encompassed two full weekday (Monday – Friday) news cycles, and one weekend cycle. One day (Wednesday, April 18) was omitted due to a recording error.

Three prominent, national level stories broke during this period in New Jersey. The presence of these stories somewhat skewed the results of this analysis to reflect a higher-than-normal level of New Jersey coverage. (This is clear when comparing this analysis to WWOR's typical performance as documented in their quarterly Issues and Programming reports.) The three stories are as follows:

- Imus / Rutgers Women's Basketball: Nationally syndicated radio personality Don Imus was criticized for racist and sexist comments regarding the Rutgers Women's Basketball Team. The story ran prominently for several days as various elements of the saga played out—the original reporting of Imus' comments, the reaction of civic and political leaders, Imus' apology, his initial two-week suspension from the airwaves, reaction from corporate advertisers, his meeting with the Rutgers players, and his ultimate firing by CBS and MS-NBC.
- Injuries to New Jersey Governor Corzine: Governor Jon Corzine was critically injured in an automobile accident. The story ran prominently for several days as details emerged from the accident investigation, Richard Cody assumed the role of Acting Governor, and Governor Corzine underwent a series of surgeries and other medical procedures.
- Nor'easter Storm Damage: A powerful Nor'easter dumped up to six inches of rain throughout the State and surrounding areas over a two day period, causing massive flooding and property damage. A state of emergency was later declared.

The analysis produced the following results:

- WWOR's news broadcasts clearly allocated more time and paid more attention to New York stories than to New Jersey stories during the review period. This theme was consistently reinforced in comments from Voice for New Jersey's reviewers. These results are consistent with our analysis of WWOR's Issues and Programming reports as set forth previously in this document.
- WWOR's coverage of New Jersey stories is inadequate. Despite the three prominent New Jersey stories, at no time during the review period was even 10 minutes of the news broadcast dedicated to New Jersey coverage. Actual coverage ranged from a low of 2 stories with a total broadcast

time of approximately 1:54 (April 15) to 10 stories with a total broadcast time of approximately 9:45 (April 10).

- As might be expected, coverage of the three prominent stories dominated WWOR's coverage, accounting for approximately 50% of the total airtime for New Jersey coverage. As such, there was little time left for coverage of locally important stories.
- Our review of other media outlets revealed a number of important New Jersey stories that were not covered by WWOR during the review period. Among these stories are the following:
 - Students at Rutgers organized what is believe to be the only student-run Folk Festival in the nation
 - A study by the Police Executive Research Forum reported a 25% increase in homicides in Newark from 2004 – 2006. Other serious crimes declined.
 - The Fisher-- a fox-like predator—is believed to be re-infiltrating New Jersey forests. Photographic documentation has been provided by a Montclair State University biologist.
 - Taxpayers expressed disappointment in legislator's surrender to special interests in addressing property tax reform
 - Smoking restrictions were imposed on Atlantic City casinos
 - Bayonne Medical Center, struggling under a heavy debt burden, filed for Chapter 11 bankruptcy
 - Federal prosecutors are examining millions in State grants routed to West New York under the influence of West New York mayor and then-State Assembly Speaker Albio Sires
 - Waste and fraud was found within Charity Care, a healthcare charity for the poor and uninsured
 - A lawsuit was filed by Warren County Freeholders and a property owner over decreased land values arising from the Highlands Act preservation initiative.

RECOGNITION OF WWOR'S OBLIGATIONS TO NEW JERSEY

As stated previously, the Commission has long recognized the special needs of New Jersey. This

densely populated state would, if analyzed independently, be the fourth largest media market in the nation. Yet because of its location in between the dominant New York and Philadelphia markets, New Jersey has only one VHF commercial television station licensed within its borders. The Commission has clearly indicated that WWOR is expected to operate in New Jersey for the benefit of the people in New Jersey.

Yet in the recent conduct of its business, it would appear that the station considers itself less bound by the Commission's clear statement of intent than by the desires of its corporate masters.

In September, 2004, U.S. Senator Frank Lautenberg (D-NJ) issued a press release discussing the efforts of several prominent lawmakers (including Sen. Lautenberg and then-Senator, now New Jersey Governor Jon Corzine) to promote an investigation by the Commission with respect to plans by Fox Television Stations, Inc. (FTS) to move WWOR's operations to New York City. (FTS acquired WWOR in a transaction first announced in August 2000). The press release indicated that while such a move would clearly violate both congressional intent and Commission policy, FTS was of the belief that they were at liberty to relocate station operations within 15 miles of their current location, and intended to notify the Commission only after the fact.

While no physical move has yet occurred, the station does seem to be relocating in spirit. Since moving to New Jersey in the 1980's, WWOR has undergone several changes in ownership and syndication affiliates (RKO, MCA/Universal, UPN), and consequently a number of changes in branding as well. In all of these cases, the station has historically either referred to itself as a New Jersey-based station, or has branded itself without reference to geography.

Recently, however, WWOR has eschewed any reference to its New Jersey roots and has taken on a strong New York identity. The station's website is my9ny.com, and shows the Manhattan skyline and the words "New York" at the top of the page. In the lobby of the station's Secaucus headquarters, visitors are greeted by a large "My9NY" poster promoting the station's news program with the words "Your Neighborhood. Your News", over the Manhattan skyline. We have seen NO references to New Jersey (or in fact any community outside of New York City) in any of the station's recent promotional efforts or

marketing materials.

None of these issues would normally be germane to a station's application for license renewal. However, the special circumstances surrounding the WWOR license, together with the station's failure to adequately serve its community of license and its cavalier disregard of its obligations to its northern New Jersey home all suggest that a hearing is necessary and appropriate in this matter.

LEGAL ANALYSIS

More than 20 years ago, the Commission determined that there had been consistent shortcomings in commercial VHF television service with respect to the needs of New Jersey citizens. In Docket 20350, the Commission imposed on TV stations serving New Jersey a special New Jersey service obligation with specific guidelines, along with a directive to submit statements describing their special service commitments to New Jersey. *Second Report and Order*, 59 FCC2d 1386, 1405. In its *Third Report and Order*, 62 FCC2d 604 (1976), the Commission directed TV licensees in all future renewal applications.

While these obligations apply to all stations serving New Jersey, WWOR-TV has additional, unique obligations to New Jersey. Having found the FCC's actions to improve New Jersey service to be inadequate, in 1982, Congress enacted Section 331 of the Communications Act, which effectively required the Commission to reallocate a VHF TV station to New Jersey. WWOR - TV satisfied the criteria of Section 331, and thereafter applied to be reallocated to Secaucus. *See Channel 9 Reallocation (WOR-TV)*, 53 RR2d 469 (1983). ✓

In implementing Section 331, the Commission took note of the Congressional intent embodied in Section 331, quoting its sponsor, Senator Bradley, as stating that

[T]he reallocation of a license to New Jersey will mean that the licenseholder will move its studios and offices to New Jersey and operate in New Jersey *for the benefit of the people in our State*. . . I intend to carefully monitor the development of any New Jersey station to insure that *it is responsive to the needs of my State. This station will not be a New Jersey station in name only. It will serve the people of New Jersey.* *Id.*, 53 RR2d at 470 (quoting 128 Cong. Rec. 10946, August 3, 1982) (emphasis in the original). ✱

See also S. Rep. No. 97-530, 97th Cong., 2nd Sess. 690 (It is the intention of Congress that any current licensee which...will move its studio and offices, to and operate for the public benefit of the unserved

state.)

In accordance with that intent, the Commission stated that

[I]t would be appropriate to take steps toward carrying out this intention through a higher service responsibility within [WWOR-TV=s] Grade B coverage area. * * * *

[W]e anticipate that...continued use of VHF Channel 9 will be directed toward satisfying the programming needs of its New Jersey Grade B coverage area. In the usual case, Secaucus, the city of assignment, would be the primary focus of the licensee's programming responsibilities. However, we have previously determined that the lack of local VHF television service in this highly populated area of northern New Jersey presented a unique set of circumstances.... Accordingly, we expect [WWOR-TV] to perform a higher degree of service to its Grade B coverage area than is normally required of a broadcast licensee. At renewal time, [WWOR-TV] will be judged by how it has met the obligation to serve the greater service needs of Northern New Jersey, which we view as broader than the specific needs of Secaucus.

Id., 53 RR2d at 471 (emphasis added).

CONCLUSION

VNJ has established a fundamental failure in the coverage of news, elections and New Jersey issues by WWOR, licensed in the State of New Jersey. Accordingly, the Commission must grant this petition, designate the above-captioned applications for hearing, and grant all such other relief as may be just and proper.

Respectfully submitted,

Donna Sandorse

Voice for New Jersey

April 28, 2007

state.)

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Id., 53 RR2d at 471 (emphasis added).

CONCLUSION

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Respectfully submitted,



Donna Sandorse

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April 28, 2007

EXHIBIT B

Summary of New Jersey Stories 2006/Q1 2007
As Reported in WWOR Quarterly Issues and Programming Reports

	2006					1st Quarter 2007	
	# of Stories	% of Stories	Amount of Time	% of Time	Average Story Length	# of Stories	% of Stories
Total # of New Jersey Stories	278					7	
Full Year 2006							
WWOR Classification							
Not Classified	1	0.36%				0	0.00%
Taxes	4	1.44%				1	14.29%
Substance Abuse	3	1.08%				0	0.00%
Minority/Minority Issues	25	8.99%				1	14.29%
Homeland Security	9	3.24%				0	0.00%
Health	12	4.32%				1	14.29%
Government and Politics	99	35.61%				1	14.29%
Education	10	3.60%				1	14.29%
Economy	21	7.55%				0	0.00%
Crime/Law Enforcement	65	23.38%				0	0.00%
Community	NA	NA				2	28.57%
Children/Youth	29	10.43%				0	0.00%
	278	100.00%				7	100.00%
VNJ Classification							
Crime/Tabloid	77	27.70%				0	0.00%
General News	61	21.94%				3	42.86%
Government/Politics	128	46.04%				4	57.14%
Human Interest	12	4.32%				0	0.00%
	278	100.00%				7	100.00%
Stories in Q1-3 2006	203	9565					
WWOR Classification							
Not Classified	1	0.49%	110	1.15%	110		
Taxes	4	1.97%	95	0.99%	23.75		
Substance Abuse	2	0.99%	70	0.73%	35.00		
Minority/Minority Issues	19	9.36%	1085	11.34%	57.11		
Homeland Security	7	3.45%	215	2.25%	30.71		
Health	9	4.43%	477	4.99%	53.00		
Government and Politics	68	33.50%	3258	34.06%	47.91		
Education	7	3.45%	260	2.72%	37.14		
Economy	14	6.90%	564	5.90%	40.29		
Crime/Law Enforcement	53	26.11%	2311	24.16%	43.60		
Children/Youth	19	9.36%	1120	11.71%	58.95		
	203	100.00%	9565	100.00%	47.12		
VNJ Classification							
Crime/Tabloid	66	32.51%	3035	31.73%	45.98		
General News	37	18.23%	1736	18.15%	46.92		
Government/Politics	89	43.84%	4114	43.01%	46.22		
Human Interest	11	5.42%	680	7.11%	61.82		
	203	100.00%	9565	100.00%	47.12		

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X	TRAUMA CENTER SHUTDOWN	August 4, 2006	1:50	A report on the special unit at Jersey City Medical Center which cannot see patients because of a problem with its license.	X														X	
Taxes	CIGARETTE TAX INCREASE	March 16, 2006	:20	Governor Jon Corzine is reportedly considering a 60-cent a pack cigarette tax increase. If passed by the Legislature,	X															X
Taxes	WHAT TAXES GOING UP	March 21, 2006	:25	Governor Corzine's plan is expected to generate 1.8 billion dollars through new taxes. Besides raising the sales tax from	X															X
Taxes	NY STATE TAX CUTS	March 25, 2006	:35	Lawmakers are trying to make a deal that includes eliminating the marriage penalty tax	X															X
Taxes	NJ TAX PLAN	September 19, 2006	:15	New Jersey homeowners may finally get a break on their property taxes with a new plan created by State Lawmakers. One	X															X
Substance Abuse	PACKAGE OF POT	January 26, 2006	:35	Police in Carlstadt, New Jersey intercept a big payload of pot from a delivery truck. The tightly compressed bricks of	X								X							
Substance Abuse	DESIGNATED DRIVERS BE A HERO	May 8, 2006	:35	Dozens of students in Middlesex County became heroes today as part of a hero campaign to promote designated driving	X													X		
Substance Abuse	DWI ENFORCEMENT-MADD NJ	December 6, 2006		Mothers Against Drunk Driving in New Jersey want sobriety checkpoints just about everywhere to stop people from	X														X	
Minority Issues	ARAB DISCRIMINATION OFFICE	January 14, 2006	:35	The American-Arab Anti-Discrimination Committee opened its first permanent office in the New Jersey. The group's	X														X	
Minority Issues	SYNAGOGUE VANDALISM	January 29, 2006	:23	Someone spray painted swastikas and other graffiti overnight on Congregation Kehillat Bais Yehudah in Ramapo. The	X															X
Minority Issues	DEATH THREATS	February 14, 2006	1:10	For the second time in a week a Bergen County High School student has received death threats. He's the only black student	X													X		
Minority Issues	BIAS ATTACK-TOW TRUCK	February 17, 2006	1:35	A New York man of Egyptian heritage says he was the victim of a brutal bias attack when he tried to get his car back	X								X							

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Minority Issues	ITALIANS SLURRED	March 22, 2006	2:15	Some people they're demanding the Deputy Mayor of Manalapan resign after her husband was caught on camera	X											X		
Minority Issues	RACIST REMARKS	March 29, 2006	1:25	Students at Columbia High School in Maplewood, New Jersey say their principal is insensitive. They are also	X												X	
Minority Issues	CIVIL RIGHTS DIRECTOR DISCRIMINATION	April 12, 2006	:15	Three African-American employees of New Jersey's Civil Rights Division have accused Civil Rights Director J. Frank	X												X	
Minority Issues	SPANISH SPEAKING FIRING	April 25, 2006	1:00	A New Jersey man says his boss fired him for speaking Spanish.	X											X		
Minority Issues	ROUNDING UP IMMIGRANTS	April 27, 2006	1:40	Immigration officials say there is no truth to recent reports of immigrant roundups in northern New Jersey.	X												X	
Minority Issues	LEARNING ENGLISH	May 14, 2006	1:25	President Bush stressed that the American melting pot would not mix if new immigrants refuse to learn English. But in	X											X		
Minority Issues	CLOSING THE GAP	May 20, 2006	:37	The field of Giants Stadium became a classroom for some young Egyptian teens and the FBI as the meeting allowed law	X								X					
Minority Issues	RACIAL DISCRINATION	June 23, 2006	1:35	Employees of an Edison, New Jersey trucking company say they were fired from their jobs because of the color of	X												X	
Minority Issues	FLAG FLAP	June 28, 2006	1:35	Lucy Soto in Woodbridge, NJ is flying the Puerto Rican flag outside of her home. Neighbors are telling her to go back to	X											X		
Minority Issues	NJ ILLEGAL IMMIGRANTS	August 9, 2006	:35	More Federal Agents are headed to New Jersey to track down illegal immigrants on the run. The officers are coming from	X								X					
Minority Issues	NO ENGLISH ONLY	September 26, 2006	:15	The Mayor of Bogota, NJ has lost his bid to make English the town's official language, but it was refused by the	X													X
Minority Issues	RUTGERS CO-EXISTENCE	October 9, 2006		Eleven young women from different ethnic and religious backgrounds agreed to live in the "Middle East Co-Existence House"	X												X	
Minority Issues	NAACP VOTER PROJECT	October 10, 2006		A major "Get Out The Vote" effort by the New Jersey Chapter of the NAACP tries to drive more minorities to the polls during	X													X
Minority Issues	ANTI-ITALIAN COMMERCIAL	October 25, 2006		An ad against U.S. Senate Candidate Bob Menendez spoofs the television drama "The Sopranos." Some Italian-Americans	X													X
Minority Issues	RALLY IN NEW YORK	November 30, 2006		Sean Bell, the unarmed African-American man shot and killed outside a nightclub in Jamaica, is being remembered in Newark.	X												X	

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Minority Issues	JERSEY CITY KWANZAA	December 27, 2006		Folks in Jersey City tonight are celebrating the second day of Kwanzaa. The festivities included some traditional	X													X		
Minority Issues	HELPING THE HOMELESS-NEWARK	October 14, 2006		Helping the homeless gave Newark a day of peace, tolerance and harmony. Christians, Muslims and Jews joined	X													X		
Minority Issue	PARK SHOOTING FOLLOW	April 3, 2006	:35	A park police officer in Mahwah, New Jersey opened fire on 43 year old Emil Mann, a member of the Ramapough	X							X								
Minority Issue	IMMIGRANT RIGHTS RALLY	April 23, 2006	:20	Hundreds of Latinos joined a pro-immigrant march and rally in Newark. They're protesting immigration reform	X													X		
Minority	HOME VANDALIZED ARRESTS	July 28, 2006	:15	There have been arrest for the Aslan family's home in New Jersey that was vandalized with hate crime messages.	X							X								
Minority	HISPANIC ORGAN DONATIONS	August 18, 2006	:35	Organizers of Jersey City's Puerto Rican Heritage Parade say many in the Hispanic community are asking Hispanics to help	X													X		
	25																			
Homeland Security	PATH SECURITY SCREENING	February 7, 2006	:15	New screening machines are now at Path trains at Exchange Place.	X													X		
Homeland Security	NJ COURT RULING	March 1, 2006	:15	A Federal Judge has ruled against a request by the State of New Jersey to review that sale of the operation of some	X															X
Homeland Security	SCHOOL PLOT	April 7, 2006	1:15	Four New Jersey teenagers in Winslow Township, Camden County have allegedly planned a deadly plot at their high school.	X							X								
Homeland Security	5-JC RESCUE EQUIPMENT	September 7, 2006	:20	New Jersey has new hi-tech rescue equipment and a highly trained team that can handle just about any disaster. It's	X													X		
Homeland Security	NEW EMER. TRUCK	September 8, 2006	:15	The Department of Homeland Security purchased a new emergency service unit for the Paramus Police Department. It's a	X													X		
Homeland Security	SCARE AT SCHOOL	September 11, 2006	:40	Mysterious white powder was found outside two North Jersey schools and it's the work of a prankster. Police say	X													X		
Homeland Security	HOMELAND SECURITY	September 14, 2006	:35	Richard Canas, New Jersey's Homeland Security Director says our mass transit system and its population density makes	X															X
Homeland Security	PORT ELIZABETH STOWAWAYS	November 1, 2006		There are more calls for better port security after a search turned up four stowaways in New Jersey. Three men	X													X		

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Homeland Security	TERROR FENCE	December 13, 2006		There are plans to build a multi-million dollar security fence along portions of the New Jersey Turnpike. The divider would	X													X	
Health NJ	SMOKING BAN	April 15, 2006	1:30	A story on the first full day of New Jersey's statewide smoking ban.	X														X
Health	SMOKING BAN STAYS	April 13, 2006	:17	A Federal Judge ruled against a group of bar and restaurant owners who tried to delay New Jersey's smoking ban. New	X														X
Health	HEPATITIS SCARE	May 10, 2006	1:25	A Hepatitis scare in a New Jersey town as health officials confirm that another student is infected. The students attend	X													X	
Health	HEPATITIS SCARE	May 17, 2006	1:30	What started as a Hepatitis scare at a New Jersey school in Cranford, Union County has spread to the whole town as	X													X	
Health	SHAKEN BABIES	May 24, 2006	:35	Saint Barnabas Health Care system is teaming up with law enforcement in Union County, New Jersey to help educate	X													X	
Health	PAINT PROTEST	June 28, 2006	:20	Members of the group "Aoom" marched into a Sherwin Williams store in Newark calling on them to help clean up the lead	X													X	
Health	OPERATION PAINKILLER	July 28, 2006	1:30	"Operation painkiller", a drug bust in a north jersey suburb, showed prescription drugs could lure teens into a life of	X													X	
Health	PERScription SHOPPING	August 21, 2006	:35	Governor Jon Corzine signed a bill in which New Jersey residents can soon comparison shop for cheaper prescription	X														X
Health	NJ WEST NILE CASE	August 25, 2006	:15	An 82-year-old union county woman is reportedly diagnosed with West Nile Virus. She is the first reported case of	X													X	
Health	CANCER CLUSTER	October 9, 2006		New Jersey's Health Department will look into a suspected cancer cluster as more than two dozen cancer cases	X													X	
Health	COUNTING CALORIES-NJ	October 13, 2006		NJ State Senator Barbara Buono thinks patrons should know the calorie content of their meals at chain restaurants	X														X
Health	E COLI OUTBREAK	December 3, 2006		Health officials are on alert after 19 people have become ill in South Plainfield, New Jersey, after eating at the fast food	X													X	
Government/Politics	MENENDEZ AIDE-POLITICAL PRESSURE	September 28, 2006	:25	An aide to Senator Robert Menendez is accused of playing politics, and Menendez has cut off all ties with Donald	X														X

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Government/Politics	SMOKING BANNED	January 8, 2006	1:15	A bill in New Jersey banning smoking in public places overwhelmingly passed through the General Assembly and is just	X													X
Government/Politics	STATE OF THE STATE	January 10, 2006	3:55	New Jersey Governor Richard Codey spoke to his colleagues and voters for the last time before leaving office.	X													X
Government/Politics	CORZINE CUTTING STAFF	January 11, 2006	:40	New Jersey's Governor-Elect Jon Corzine plans to slash more than 60 jobs in his own office. Corzine has a 5 billion dollar	X													X
Government/Politics	CORZINE TAKES OVER	January 17, 2006	1:50	A report on the New Jersey Governor's inaugural Ball in Princeton as Governor Jon Corzine officially takes over.	X													X
Government/Politics	MENENDEZ SWORN IN	January 18, 2006	:30	New Jersey Democrat Robert Menendez has been sworn in as a U.S. Senator. He's the first minority from New Jersey to	X													X
Government/Politics	TAX HIKES	January 26, 2006	1:20	New Jersey Governor Jon Corzine looks at tax hikes to help solve the state's deficit.	X													X
Government/Politics	MENENDEZ SEAT	January 26, 2006	:15	The House seat vacated by Robert Menendez will remain vacant through the November elections. New Jersey	X													X
Government/Politics	PASSING NJ SCHOOL BUS FINES	January 26, 2006	:15	A New Jersey Assembly Committee approved a bill that would increase penalties from \$100 to \$250 for first time	X													X
Government/Politics	CORZINE'S CABINET	January 30, 2006	:20	The New Jersey Senate confirmed Zulima Farber as Attorney General making her the first Hispanic to hold the office. The	X													X
Government/Politics	DRIVING WITHOUT DOCUMENTS	January 30, 2006	:15	A New Jersey Assembly Committee has voted to cut the fine for not carrying a driver's license or car registration from	X													X
Government/Politics	BOOKER FOR MAYOR	February 11, 2006	:41	Cory Booker kicked off his campaign in Newark for Mayor. He announced his plan to run on Good	X													X
Government/Politics	POTHOLE PROBLEMS	February 18, 2006	:35	Mayor Bloomberg has dispatched the D.O.T. to do double-duty in the 2006 "Pothole Blitz". More than 1,200 pot holes	X											X		
Government/Politics	PARKING WHILE PREGNANT	February 23, 2006	1:20	Some New Jersey lawmakers are proposing a new bill to allow pregnant women to use handicapped parking	X													X
Government/Politics	NJ GAS TAX AND ROADS	February 25, 2006	:35	New Jersey Governor Jon Corzine wants to revive the state's ailing transportation trust fund, but without a new gas tax.	X													X
Government/Politics	NO NEW GAS TAX	February 25, 2006	:15	Good news for New Jersey drivers - no new gas tax. The state needed more money to fund transportation projects. But	X													X

