

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of
Applications for Renewal of Station License of

WTMJ-TV)	
Milwaukee, WI)	BRCT20050729CYF
WITI-TV)	
Milwaukee, WI)	BRCT20050729DRL
WISN-TV)	
Milwaukee, WI)	BRCT20050801CEF
WVTV)	
Milwaukee, WI)	BRCT20050801BDQ
WCGV-TV)	
Milwaukee, WI)	BRCT20050801BBZ
WVCY-TV)	
Milwaukee, WI)	BRCT20050801AGS
WMLW-CA)	
Milwaukee, WI)	BRTTA20050801ADM
WJJA-TV)	
Racine, WI)	BRCT20050725ABE
WWRS-TV)	
Mayville, WI)	BRCT20050729DNH
WPXE-TV)	
Kenosha, WI)	BRCT20050729AIH
WDJT-TV)	
Milwaukee, WI)	BRCT20050801ADL

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SUMMARY

The Oppositions filed by the Broadcasters seek renewal of their licenses without a hearing to determine whether they have served the public interest during their license period. The Oppositions first attack the standing of the Petitioners. However, the *Petition to Deny* clearly establishes standing since MPIMC's organizational members include residents of Milwaukee

The Oppositions also attack the merits of the *Petition to Deny* by claiming that Petitioners have not provided *prima facie* evidence of substantial and material questions of whether the Broadcasters have fulfilled their obligation to serve the public interest during the license period. However, the CMPA Study provides such *prima facie* evidence of minimal coverage of local elections. Any challenge to the methodology or the conclusions of the CMPA Study, which was conducted by neutral professionals, must be further explored in a hearing.

Finally, the Oppositions suggest that any review of their programming regarding local elections would be an infringement on their First Amendment rights and editorial discretion. However, a review of the Broadcasters' programming is necessary to enhance the First Amendment rights of the viewers. In fact, it is the First Amendment rights of the viewers that are paramount, and which the Broadcasters are obligated to serve. Accordingly, the Commission must designate the renewal applications for a hearing to determine whether, based on the *prima facie* evidence, the Broadcasters have indeed fulfilled their duty to serve the public interest.

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WMLW-CA Milwaukee, WI))	BRTTA20050801ADM
WJJA-TV Racine, WI))	BRCT20050725ABE
WWRS-TV Mayville, WI))	BRCT20050729DNH
WPXE-TV Kenosha, WI))	BRCT20050729AIH
WDJT-TV Milwaukee, WI))	BRCT20050801ADL

REPLY TO BROADCASTERS' OPPOSITION

The Milwaukee Public Interest Media Coalition (MPIMC) respectfully submits this Reply to the Oppositions to MPIMC's *Petition to Deny* filed by the broadcasters listed in the above caption (collectively referred to as Broadcasters). As is demonstrated below, the Broadcasters' Oppositions do not provide any basis for finding that they have fulfilled their public interest obligation or that a

hearing is unwarranted to determine whether they have fulfilled their public interest obligation.

I. STANDING

The Broadcasters and a non-party, the Wisconsin Broadcasters Association, have interposed claims that MPIMC lacks standing to appear before the Commission. They complain that MPIMC has not established that its members regularly watch each of the stations and does not cite members by name.

The petition fully establishes MPIMC's standing. Michael McCabe's declaration fully establishes MPIMC's right to participate. He identifies the nine organizational members of MPIMC and states that their "collective membership includes many individuals who reside in the Milwaukee television market and regularly watch television." It is self-evident that this level of membership comprehends each station in the market. *See Sierra Club v. EPA*, 292 F.3d 895, 900 (D.C. Cir.2002). However, to clarify this matter, and to eliminate any ambiguity, Mr. McCabe has executed a supplemental declaration, provided as Attachment A hereto, which reconfirms that the members of MPIMC have thousands of members, and that collectively they are viewers of each station subject to MPIMC's petition to deny. In addition, Jerry Frederickson has executed a supplemental declaration, provided as Attachment B hereto, which confirms that he has been a viewer of each of the stations subject to MPIMC's *Petition to Deny*. Jack Lohman has also provided a declaration, provided as Attachment C hereto, which further confirms MPIMC's standing. *See American Library Association v. FCC*, 401 F.3d 489 (D.C. Cir. 2005).

As noted, there is no requirement that Mr. McCabe identify particular members of MPIMC. Indeed, such a requirement would raise serious First Amendment questions. *NAACP v. Alabama*, 357 U.S. 449 (1958). Where, as here, specific information is provided as to each named licensee and the

petition is supported by a monitoring study showing that volunteers associated with the Petitioner have taped one month's worth of programming, it is self-evident that MPIMC has members and they reside in the Milwaukee market. *See Sierra Club v. EPA*, 292 F.3d 895, 900 (D.C. Cir.2002).

II. LEGAL ANALYSIS

Despite the Broadcasters' attempts, the Broadcasters' Oppositions do not demonstrate that MPIMC has failed to present substantial and material questions of fact or that the renewal applications should not be designated for a hearing. In fact, MPIMC has provided more than sufficient evidence, *i.e.*, the findings of the CMPA Study, to show that there indeed are substantial and material questions of fact as to whether renewal of the licenses is in the public interest. The Broadcasters' arguments fall short of providing any real grounds for simply renewing the licenses, without a hearing.

A. **The CMPA Study Raises Substantial and Material Questions of Fact as to Whether a License Renewal Would Be Consistent with the Public Interest, Convenience, and Necessity.**

The Commission cannot renew the license of a broadcaster if substantial and material issues of facts have been raised regarding the broadcaster's service. 47 USC §309(d). The CMPA Study provides specific facts regarding the amount of local election news coverage provided by the Broadcasters. The CMPA Study provides evidence of a woefully minimal amount of coverage related to local elections in the Milwaukee market as a whole. Thus, the evidence presented in the CMPA Study clearly raises a substantial and material issue of whether each of the Broadcasters has met its obligation to serve the public interest, namely by providing viewers information about local elections and ballot-related issues. In fact, all but one of the Broadcasters¹ do not challenge the conclusions of the CMPA Study, that there was minimal coverage of local elections. Rather, the Broadcasters attempt to poke

¹ WISN-TV challenges the results of the CMPA Study.

holes and point out flaws of the CMPA Study.

However, this is not the appropriate forum to challenge the methodology or the conclusions of the CMPA Study. MPIMC is not required, at this juncture, to “fully establish ...what it is the very purpose of the hearing to inquire into....” *Citizens for Jazz on WRVR, Inc. v. FCC*, 775 F.2d 392, 397 (D.C. Cir. 1985). The Commission is barred from applying a merits standard to the CMPA Study. *Id.* The Commission “must look into the possible existence of a fire only when it is shown a good deal of smoke” not “when it is shown the existence of a fire.” *Id.* The Broadcasters here would have MPIMC show the existence of a fire.

For example, some Broadcasters contend the CMPA Study is flawed because only some of the Broadcasters’ programs were analyzed in the CMPA Study. *See* Oppositions of WCGV-TV, WWRS-TV, WJJA-TV, WISN-TV, WTMJ-TV, WPXE-TV, and Wisconsin Broadcasters Association. However, in addition to the news programming of the top five stations, the CMPA Study attempted to analyze public affairs programming on all the stations. However, only two stations offered public affairs programming regarding elections.² *See* CMPA Study at 24. Moreover, since MPIMC’s petition alleges a market-wide failure to cover local elections, it is necessary to view the conduct of *all* the stations, and not simply those that broadcast news programming.

Under applicable policy, all broadcasters in a market are collectively responsible for meeting the needs of their community. In *Deregulation of Television*, 98 FCC2d 1075 (1984), the FCC stressed that during the renewal process, an individual station’s decisions regarding programming is not the only factor in determining whether that individual licensee has provided issue-responsive programming

² WVTM and WTMJ-TV were the only stations offering public affairs programming relevant to the campaigns.

relevant to the community. *Id.* ¶ 37. Rather, programming provided by all the broadcasters may be considered to determine whether the public interest of the community has been met. *Id.* at ¶ 38. As a result, it is entirely logical and necessary to consider the programming efforts of all the stations to determine whether they have fulfilled their duty to provide programming relevant to the local community.

Another alleged flaw raised was that the entire license term was not analyzed. *See* Oppositions of WVCY-TV, WWRS-TV, WVTM, WISN-TV, WMLW-TV, WDJT-TV, WITI-TV, WTMJ-TV, WPXE-TV, and Wisconsin Broadcasters Association. However, for the purpose of considering whether to designate a hearing, the Commission has frequently relied on monitoring studies of brief periods. *See, e.g., Catoctin Broadcasting Co.*, FCC 85-155 (May 2, 1985); *United Broadcasting Company*, 59 FCC2d 1412, 1413 (Rev. Bd. 1976); *New South Radio, Inc.*, 59 FCC2d 337, 344 (1975); *New Mexico Broadcasting Co., Inc.*, 54 FCC2d 126 (1975). Indeed, prior to 1984, the Commission routinely reviewed a broadcaster's performance based on a "composite week" to determine if the licensee's programming, during the entire renewal period, had met the public interest during the license period. *See In the Matter of Broadcast Localism*, 19 FCCRcd 12425, 12430 n. 36 (explaining that the composite week was the "basic measure of the extent to which" the broadcaster fulfilled its programming obligations during the license period). Here, the CMPA Study goes beyond a week's worth of programming and instead provides a month's worth of programming as a measure of the Broadcasters' performance.³

³WVCY-TV cites *Harrisscope of Chicago, Inc.*, 3 FCCRcd 3587 (1988) for the proposition that consideration of programming covering less than one-sixth of a license term was an insufficient basis for Commission action. The citation is wholly inapposite. First, the issue in that decision was not whether to designate a hearing for minimal compliance with the public interest, but whether to grant a renewal expectancy in a comparative renewal context. Second, the opinion was issued after

Some Broadcasters also contend the CMPA Study is not accurate since other sources of information for local news were not analyzed, specifically non-broadcast media available in the market. *See* Oppositions of WVCY-TV, WWRS-TV, WVTM, WJJA-TV, WISN-TV, WMLW-TV, WDJT-TV, WITI-TV, WTMJ-TV, WPXE-TV, and Wisconsin Broadcasters Association. Essentially, the Broadcasters are attempting to dismiss their responsibility to serve the public interest by suggesting that other, non-broadcast media in the marketplace fulfill the Broadcasters' responsibility. However, Commission policy does *not* consider what non-broadcast media provide to be relevant because those media are not subject to a public interest mandate. Moreover, and in any event, those media do not meaningfully contribute to debate on local issues, including elections. *See In the Matter of 2002 Biennial Regulatory Review*, 18 FCCRcd 13620, 13673 ¶ 145, 13693 ¶ 191 (2004). The Commission has noted that "cable networks are almost exclusively offering national or broadly defined regional programming." *Id.* at 13693 ¶ 191. "In contrast, local broadcast televisions offer a mix of national programming and local programming" relevant to a certain geographic area. *Id.* at 13673 ¶ 145. Further, reliance on the Internet as a source for local news is also misguided since the "Internet is also limited in its availability and as a source and as a source of public news." *Prometheus Radio Project v. FCC*, 373 F.3d 372, 415 (3rd Cir. 2004).

Thus, the availability of non-broadcast media such as cable and the internet are not meaningful sources for local news. Further, unlike broadcasters, these alternatives are not required to focus on local issues and are bound to promote localism. As a result, the Broadcasters still have an obligation to provide relevant programming independent of services provided by non-broadcast media.

a hearing. As is explained in the text, the stations' performance over the entire license term will be tested at a hearing. MPIMC need not show more than it already has presented in order to have a hearing designated.

WISN-TV argues that the CMPA Study should not be relied upon since local coverage and impact of the presidential election was not considered.⁴ This seems to suggest that WISN-TV does not understand or appreciate its obligation and responsibility to serve its local community. Broadcasters have a unique responsibility to cover *local* elections because of their special obligation to the community of license,⁵ especially since cable and other nationally distributed programming do not address local needs. *See In the Matter of 2002 Biennial Regulatory Review*, 18 FCCRcd at 13693 ¶ 191 (cable networks offer almost exclusively national programming). Simply relying on the local impact of the presidential election denies the local community its right to participate in elections taking place in their own community, which also have significant impacts on the community.

WMLW-TV and WDJT-TV take issue with the sponsor of the CMPA Study. They claim that Meredith McGehee is not an appropriate sponsor of the CMPA Study. However, Ms. McGehee was personally involved with the CMPA Study. As she stated in her affidavit, the Alliance for Better Campaigns (now part of the Campaign Legal Center), worked with the Wisconsin Democracy Campaign in carrying out the CMPA Study. If there is any dispute as to her knowledge or qualifications, those issues can more fully explored, and in fact is more appropriately explored, at a hearing.

⁴WISN-TV observes, at pages 18-19 of its opposition, that MPIMC member Michael McCabe had at one time praised the station for its commitment to the “5/30” standard for providing candidate centered speech. (This means the station promised to provide at least 5 minutes of candidate centered coverage between 5:30 pm and 11:30pm for the 30 days prior to the election.). However, the CMPA study shows that WISN-TV did not come close to fulfilling its pledge. The CMPA study shows that WISN-TV provided a total of 40 minutes, spread over all dayparts, to candidate discourse over the four weeks prior to the election.

⁵The obligation of localism has always been central to the Commission’s implementation of the renewal process. *See 1960 En Banc Programming Statement*, 40 FCC 2303, 2314 (1960). *See also* Cable Television Consumer Protection and Competition Act of 1992, Section 2(a)(10) (“A primary objective and benefit of our Nation’s system of regulation of television broadcasting is the local origination of programming. There is a substantial interest in ensuring its continuation.”)

Finally, WISN-TV challenges the conclusions of the CMPA Study, in challenging the actual amount of news programming reported by the CMPA Study. WISN-TV *Opposition to Petition to Deny*, 18-20. WISN-TV's *Opposition* credits the station with 102.4 hours of news programming, rather than the 107.25 hours reported by the CMPA Study. *Id.* at 19. Additionally, WISN-TV's data reveals 11 hours and 17 minutes of election news coverage, as opposed to the 4 hours 19 minutes reported by the CMPA Study. *Id.* at 19. Thus, based on WISN-TV's calculations, WISN-TV reports that its election coverage constituted 11% of its total news coverage, as opposed to the 4.2% reported by the CMPA Study. *Id.* at 20. This, too, underscores the need for a hearing. Based on the evidence presented by the CMPA Study and the different findings by WISN-TV, a substantial and material issue of fact has been raised. Thus a hearing is required, during which WISN-TV and the other parties can have the opportunity to examine the methodology and findings of the CMPA Study.

The CMPA Study is clear evidence of "smoke," raising substantial and material questions of fact. More importantly, though, the evidence MPIMC is required to provide is evidence of "*prima facie* sufficiency." *Citizens for Jazz*, 775 F.2d at 397. Thus, not only are the results of the CMPA Study presumed to be true, but the evidence cannot be judged based on whether it can make a "fully persuasive case, but rather what a reasonable factfinder *might view* as a persuasive case." *Id.* (emphasis in original). Here, the CMPA Study easily meets that standard.

The CMPA Study was conducted by an independent source, who is an acknowledged and distinguished expert in media analysis, including election studies. Further, despite the Broadcasters' attacks, the CMPA Study was conducted following an established methodology. Thus, since substantial and material issues of fact have been raised, the Commission must at the least conduct further inquiry as to whether or not the Broadcasters provided its viewers with a sufficient amount of local news

programming relating to local elections. See *Bilingual Bicultural Coalition on Mass Media, Inc. v. FCC*, 595 F.2d 621, 630, 634 (D.C. Cir. 1977) (Commission must conduct further inquiry once a “factual uncertainty” has been raised).

B. The *Petition to Deny* Is Not an Attempt to Impede on the Rights of the Broadcasters.

Rather than acknowledging their duty to serve the needs of their community, the Broadcasters also try to reframe the issue as to whether MPIMC has presented *prima facie* evidence of the Broadcasters failure to serve the public interest, thereby raising a substantial and material issue of fact. The Broadcasters postulate that MPIMC’s *Petition to Deny* is an attempt to return to a quantitative programming standard and is seeking relief that can only be granted through legislation. Similarly, the Broadcasters also try to skirt the central issue by claiming that MPIMC’s *Petition to Deny* attempts to restrict the First Amendment rights and editorial discretion afforded to broadcasters as to what events to cover. This is simply not the case and is especially underscored by the fact that the Broadcasters do not seriously dispute the central finding of the CMPA Study, that there was minimal local coverage regarding local elections.

Although there is no longer a quantitative standard, a licensee still has an obligation to address local and community issues. *Deregulation of Radio*, 84 FCC2d 968, 982 (1981); *recon. granted in part and denied in part*, 87 FCC2d 797, *aff’d in part and remanded in part sub nom.*, *Office of Communication of the United Church of Christ v. FCC*, 707 F.2d 1413 (D.C. Cir. 1983). And although the licensee is afforded discretion as to how and whether to address certain issues, the licensee is not entitled to a renewal of its license if it has abused that discretion. *Deregulation of Television*, 98 FCC2d at ¶ 39. It is that very discretion that MPIMC’s *Petition to Deny* addresses. MPIMC’s challenge is to the Broadcasters’ discretion in the amount of programming related to local elections.

Furthermore, the Broadcasters do not dispute the fact that there was minimal coverage of local elections. Rather, the Broadcasters argue that it was within their discretion to provide little to no coverage of these elections. However, as more fully discussed in MPIMC's *Petition to Deny*, central to the role of broadcasting is the aspect of localism and the right of citizens to receive information about candidates for public office. *Petition to Deny* at 5-6. None of the Broadcasters can dispute this. Yet, they claim they have ultimate discretion in determining what, if any, information is conveyed to the public, even information that both the Commission and the Courts have found to be integral to a broadcaster's responsibility. *Petition to Deny* at 5-6. Instead, the Broadcasters attempt to hide their abuse of discretion behind the protections of the First Amendment's freedom of speech.

However, it is the citizens in the community that the Broadcasters are supposed to serve that have "paramount" First Amendment rights. *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969). In fact, the Broadcasters seem to forget that the airwaves belong to the citizens, who have permitted the Broadcasters to make use of the spectrum. The *quid pro quo* for broadcasters' right to exclusive use of publicly owned spectrum is their commitment under the Communications Act to serve the public interest, because it is

the right of viewers and listeners, not the right of broadcasters, which is paramount ..., the right of the public to receive suitable access to social political, esthetic, moral and other ideas and experiences which is crucial here.

Id.

Further, as more fully discussed in the *Petition to Deny*, a basic value afforded to citizens under the First Amendment is the access to speech concerning governmental elections. *Petition to Deny* at 7. Thus, an increase of the Broadcaster's news programming related to local elections would not result in the restriction of the Broadcasters' First Amendment rights. Rather it would enhance the First

Amendment rights of the viewers, allowing the viewers to make informed decisions in local politics. It is hypocritical for the Broadcasters to claim an infringement on their rights to freedom of speech, yet ignore the relevance of those same rights afforded to the citizens that the licences are intended to serve.

When not hiding behind constitutional arguments, the Broadcasters make excuses for such limited news programming regarding local elections. For example, the Broadcasters contend that the local elections were not contested or there was no interest in them. However, the *Milwaukee Journal Sentinel*, which serves as the only major daily newspaper for the Milwaukee metropolitan area, thought it of interest to residents in the Milwaukee metropolitan area, to cover the local races and issues. Some of those articles carried during the monitoring period include the following:

- October 27, 2004: 22nd Senate District race between Reince Priebus and Bob Wirch, covering the candidates stance on taxes, voter identification, campaign finance reform, and same sex marriage.
- October 27, 2004: 4th Congressional District race between Gwen Moore, Gerald H. Boyle, Tim Johnson, Colin Hudson and Robert Raymond, covering the candidates stance on health care, social security, abortion and the war in Iraq.
- October 17, 2004: 12th District race between Frederick Kessler and Joan Tatarsky, covering the candidates stance on taxes, gun control, and same sex marriage.
- October 16, 2004: 8th Senate District race between Jennifer Morales and Alberta Darling, covering the candidates stance on concealed weapons and abortion.
- October 15, 2004: 3rd Congressional District race between Ron Kind and Dale Schultz, covering the candidates stance on trade policy and the war in Iraq.
- October 15, 2004: Assembly Seat race between, Stephen Nass, Scott Woods and Broce Hinkforth, covering candidates stance on taxes, environmental concerns, civil liberties, health care, same-sex marriage and abortion.
- October 13, 2004: 2nd Congressional District race between Tommy Baldwin and Dave Magnum, covering the candidates' stance on health care.
- October 13, 2004: 33rd Assembly District race between Daniel P. Vrakas and Patrick Byrne, covering the candidates' stance on health care and taxes.

- October 13, 2004: 8th Congressional District race between Mark Green and Dottie LeClair, covering the candidates' stance on terrorism, health care and the economy.
- October 18, 2004: 8th Senate District race between Jennifer Morales and Alberta Darling, covering the candidates stance on taxes.

Clearly, there were local races that were contested and raised significant issues affecting citizens, and for the Broadcasters to insist otherwise is unfounded.

The Broadcasters also attempt to undermine the merits of the *Petition to Deny* by stating that the license renewal should be awarded based on the Broadcasters' overall programming service, rather than their efforts on a single issue. However, a necessary and critical component of that overall effort is local election news programming, which in turn, is a critical component of serving the public interest. The findings of the CMPA Study show that the Broadcasters, collectively, failed in their duty to serve the public interest by providing a minimal amount of local election news programming. The Broadcasters would like to evade the issue by pointing to their overall programming and claiming that the minimal amount of local election news programming is sufficient to meet their public interest duty. However, simply providing some programming does not lead to the conclusion that the Broadcasters have met their duty and therefore deserve an automatic renewal of their broadcast license. *See In the Matter of Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations*, 104 FCC2d 357, *4 (1986) (“[A]n allegation that a licensee has failed to address an issue of particular relevance to a significant segment of the community, may be raised even where some issue-responsive programming has been provided.”).

III. CONCLUSION

The *Petition to Deny* is appropriately before the Commission since Petitioners, as residents of

Milwaukee, have the appropriate standing to challenge the renewal applications of the Broadcasters. More importantly, there exists *prima facie* evidence, *i.e.* the CMPA Study, raising substantial and material questions of fact as to whether the Broadcasters have fulfilled their duty to serve the public interest during the license period. Thus, the Commission must designate the Broadcasters' renewal applications for a hearing to resolve these substantial and material questions of fact.

Respectfully submitted,

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*Counsel for Milwaukee Public Interest Media
Coalition*

January 18, 2006

Attachment A:
Declaration of Michael McCabe

SUPPLEMENTAL DECLARATION OF MICHAEL McCABE IN
SUPPORT OF PETITION TO DENY RENEWAL APPLICATIONS

I am Michael McCabe. This declaration is submitted to supplement my October 28, 2005 declaration submitted in support of the Milwaukee Public Interest Media Coalition's petition to deny renewal of the following stations: WTMJ-TV, WTTN-TV, WISN-TV, WVTU, WCGV-TV, WVCY-TV, WMLW-CA, WJJA-TV, WWRS-TV, WPXE-TV and WDJT-TV.

My earlier declaration identified nine organizational members of the Milwaukee Public Interest Media Coalition and stated that their "collective membership includes many individuals who reside in the Milwaukee television market and regularly watch television." The total membership of these groups is in the thousands and it is self-evident that their television viewing extends to each of the stations named in this declaration.

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

Executed on January 16, 2006.



Michael McCabe

Attachment B:
Declaration of Jerry Fredrickson

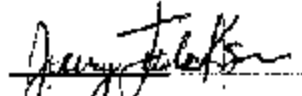
**SUPPLEMENTAL DECLARATION OF JERRY FREDRICKSON IN
SUPPORT OF PETITION TO DENY RENEWAL APPLICATIONS**

I am Jerry Fredrickson. This declaration is submitted to supplement my October 28, 2005 declaration submitted in support of the Milwaukee Public Interest Media Coalition's petition to deny renewal of the following stations: WTMJ-TV, WITI-TV, WISN-TV, WVTV, WCGV-TV, WVCY-TV, WMLW-CA, WJJA-TV, WWRS-TV, WPXE-TV and WDJT-TV.

My earlier declaration specified that I have been a viewer of five TV stations, WTMJ-TV, WDJT-TV, WITI-TV, WTMJ-TV and WVTV. This is because those were the five stations that had newscasts monitored in the study which supported the petition to deny. I wish to make clear that these are not the only stations I watch, and that on occasion I have viewed each of the other stations listed above in addition to the five previously enumerated stations.

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

Executed on January 17, 2006.


Jerry Fredrickson

**Attachment C:
Declaration of Jack Lohman**

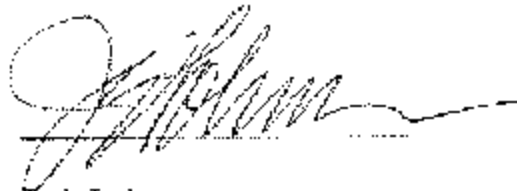
DECLARATION OF JACK LOHMAN IN SUPPORT
OF PETITION TO DENY RENEWAL APPLICATIONS

I am Jack Lohman. This declaration is submitted in support of the Milwaukee Public Interest Media Coalition's petition to deny renewal of the following stations: WTMJ-TV, WITI-TV, WISN-TV, WVTM, WCGV-TV, WVCY-TV, WMLW-CA, ~~WISN-TV~~, WWRS-TV, WPXE-TV and WDJT-TV.

I am a member of the Wisconsin Democracy Campaign, which is one of the organizations which formed the Milwaukee Public Interest Media Coalition. I am a resident in the Milwaukee, WI area, and regularly watch television, including, from time to time each of the stations listed above.

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

Executed on January 17, 2006.



Jack Lohman

Certificate of Service

I, Benjamin Lennett, hereby certify that on this 18th day of January 2006, a copy of the foregoing *Reply to Broadcasters' Opposition* was served via first-class mail to those upon the following:

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