

# United Church of Christs OC, Inc. urges FCC to take action on petitions to deny United Church of Christs OC, Inc. urges FCC to take action on petitions to deny

<http://www.ucc.org/news/united-church-of-christs-oc-inc.html%23.TpxdkMkKVKY.printfriendly>

October 17, 2011

United Church of Christs OC, Inc. urges FCC to take action on petitions to deny

September 12, 2006

WASHINGTON, DC - Lawyers for the Office of Communication of the United Church of Christ (OC, Inc.) today (Sept. 12) sent a letter to FCC Chairman Kevin Martin, requesting that the Commission take action on several OC, Inc.-sponsored petitions to deny pending license renewals, and expressing concern that the FCC has waited for more than two years to act.

In September 2004, OC, Inc. and the Center for Digital Democracy (CDD) filed petitions to deny against WPXW Paxon Communications and WDCA Fox Television for violations of the Children's Television Act in the Washington, D.C., market.

OC, Inc. filed petitions to deny in August 2005 against WQHS-TV Univision and WUAB-TV Raycom National Inc. in the Greater Cleveland, Ohio, market.

"As demonstrated in the petitions, these stations claimed to be in compliance with the obligations under the Children's Television Act when they were not," wrote OC, Inc. and CDD Counsel Angela J. Campbell of the Institute for Public Representation in the letter to Martin. "All the stations are airing programming that falls far outside the Act's, and the Commission's, requirements for children's programming."

"These shows are nothing but entertainment television masquerading as educational and informational programs," said the letter.

Cheryl Leanza, OC, Inc.'s managing director, added, "These programs are, at best, the television equivalent of a sugary dessert. While there is nothing wrong with dessert, the Children's Television Act was designed to make sure kids can include some nutritious items in their television diet."

"In the two years since our first petitions to deny, the FCC has acted on other license renewal applications, including stations with CTA violations," said Campbell. "We recognize the FCC's docket is full, but we hope that the Commission will move quickly to hold these broadcasters accountable. It is our hope that the FCC will quickly designate these petitions for hearing."

The 2004 petition alleges that WPXW's Miracle Pets - which aired for an entire year after the petition was filed - and WDCA's Ace Lightning and Stargate Infinity failed to meet the FCC's requirements for children's educational programming.

Dale Kunkel, professor in the Department of Communication at the University of Arizona and one of the experts that reviewed the programming in 2004, said, "A program that includes one violent attack after another [as in Ace Lightning and Stargate Infinity] cannot seriously be said to teach children to 'get along with others,' as WDCA claims."

"Ace Lightning and Stargate Infinity are among the most violent 'children's' shows I have seen in my 20 years of studying children's television," said Kunkel.

OC, Inc.'s action against Univision Cleveland, Inc. (WQHS) in 2005 represents the first time a Spanish-speaking station's license renewal has been challenged for failure to comply with the Children's Television Act of 1990 and educational guidelines adopted by the FCC in 1996, specifying that local stations must air at least three hours per week of educational programming.

WQHS' Complices al Rescate violates the guidelines and is "clearly oriented toward adults," said Campbell in the letter.

Similarly, OC, Inc.'s petition against WUAB argues that the station's airing of Sabrina: The Animated Series does not constitute education programming. Currently, "Sabrina" has been selected to form a key part of CBS affiliates' line up for children, according to a Broadcasting and Cable article in March 2006.

"In the absence of Commission action, broadcasters will continue to air programming that denies children the educational opportunities Congress envisioned," Campbell said. "Taking action to promote positive programming for children would be in keeping with the Commission's present focus on protecting our children from indecent content."

The Office of Communication of the United Church of Christ, Inc. (OC, Inc.) was established in 1959. Throughout its history, OC, Inc. has advocated for persons historically excluded from the media, especially women and people of color; petitioned the FCC to issue EEO rules; sought to guarantee educational and informational children's programming; defended the Equal Time Rule for political candidates; supported efforts to establish low-power FM radio; protected affordable access to emerging technologies; and urged strengthening of basic corporate character requirements for those who transmit images and data.

The 1.3-million-member United Church of Christ, with national offices in Cleveland, has more than 5,600 local churches in the United States. It was formed by the 1957 union of the Congregational Christian Churches and the Evangelical and Reformed Church.

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[Here is the text of the letter sent today, Sept. 12, 2006, to FCC Chairman Kevin Martin by lawyers for the Office of Communication of the United Church of Christ, Inc. (OC, Inc.).]

"I write to call your attention to several proceedings which are of the highest importance. Two years ago, the Office of Communication of the United Church of Christ, Inc. (UCC) and the Center for Digital Democracy (CDD) filed petitions to deny against WPXW Paxson Communications and WDCA Fox Television for violations of the Children's Television Act (CTA) in the Washington DC market. One year ago, UCC filed petitions to deny against WQHS-TV Univision and WUAB-TV Raycom National Inc. in and near Cleveland, Ohio. The Commission has yet to act. Children in Virginia, Washington D.C., Cleveland, and throughout the United States have been deprived of the protection enacted by Congress in the Children's Television Act. I urge you to consider these matters as soon as possible.

"As demonstrated in the petitions, these stations claimed to be in compliance with their obligations under the Children's Television Act when they were not. All the stations are airing programming that falls far outside the Act's, and the Commission's, requirements for children's programming. These shows are nothing but entertainment television masquerading as educational and informational programs. In one case, petitioners' expert described the show as 'among the most violent children's shows I have seen in my 20 years of studying children's television.' Declaration of Dale Kunkel at para 23. It includes violence labeled 'high-risk' by the National Television Violence Study. Id. Two of the programs, 'Miracle Pets,' and 'Complices al Rescate' are clearly oriented toward adults and are not children's programming.

"Taking action to promote positive programming for children would be in keeping with the Commission's present focus on protecting children from indecent content. As the Commission noted in adopting its three hour processing guideline '[b]y the time most American children begin the first grade, they will have spent the equivalent of three school years in front of the television set.' Policies and Rules Concerning Children's Television Programming, 11 FCC Rcd. 10660, 10666 (1996). Moreover, as Commissioner Deborah Taylor Tate recently stated, 'children are one of this country's most valuable assets' and "'t is imperative that we make every effort to nurture and protect

them as they develop.' Children's Television Obligations of Digital Television Broadcasters, 71 Fed Reg. 15145 (March 27, 2006). It is imperative that the Commission ensure broadcasters serve children's educational and informational needs.

"In the absence of Commission action, broadcasters will continue to air programming that denies children the educational opportunities Congress envisioned. For example, WPXW broadcast "Miracle Pets" for an entire year after the petition was filed and many other stations throughout the country like KOKH in Oklahoma City, Oklahoma, KPTM in Omaha, Nebraska, KDFI in Dallas, Texas, continued to air 'Miracle Pets' throughout 2005. Even worse, 'Sabrina: The Animated Series' has been selected to form a key part of CBS affiliates' line up for children [Broadcasting & Cable (March 7, 2006)]. Similarly, WDCA broadcast 'Ace Lightning' after the petition was filed.

"The Commission's failure to act on UCC and the CDD's petitions is troubling because it has already acted on numerous license renewal applications that were filed after WPXW and WDCA filed their applications. To name a few, the FCC quickly granted renewal applications for WMCF-TV (Montgomery, Alabama) in one month, WAKA (Montgomery, Alabama) in four months, WTVD (Raleigh, North Carolina) in six months, and WLTX (Columbia, South Carolina) in seven months. The FCC has even addressed a number of egregious CTA violations after the petition to deny was filed. For example, KPLC in Louisiana was issued a notice of liability for forfeiture in the amount of \$10,000 on November 14, 2005. Lipco, Inc. Licensee of KPLC(TV), Lake Charles, LA, 20 FCC Rcd 18055 (2005). Because the Commission has not yet acted, WPXW and WDCA have been permitted to use a significant portion of an eight-year license term that they might not be rightfully entitled to and children have been harmed.

"For the foregoing reasons we request that the Commission address the petition to deny we filed against WPXW, WDCA, WQHS and WUAB's license renewals."

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