**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, DC 20554**

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| In the Matter of | ) | |
| | ) | |
| Complaints Against Various Broadcast Licensees Regarding Their Airing of the "Golden Globe Awards" Program | ) | File No. EB-03-IH-0110 |

To: The Commission

## RESPONSE TO OPPOSITION TO APPLICATION FOR REVIEW

### BACKGROUND

As has been referenced in numerous filings with the Commission, the genesis of this entire matter was a live national network television broadcast of the "Golden Globe Awards" program by affiliates of NBC during which the performer Bono clearly and overtly stated the word "fucking". The broadcast was viewed by millions of American families. Many members of the Parents Television Council ("PTC") filed indecency complaints directly with the Commission. The Enforcement Bureau denied these complaints, and the PTC filed an Application For Review. The National Broadcasting Company, Inc. ("NBC") filed an Opposition to the PTC's Application For Review and, on behalf of those PTC members whose complaints were denied as well as on behalf of all 820,000 concerned PTC members across the United States, the PTC presents this response to NBC's filing.

### ANALYSIS

NBC's Opposition is prima facie evidence of its complete and utter disregard for its obligation as a broadcaster to serve the public interest. Since the Enforcement Bureau announced

its decision in October, the "F-word" story has made national news. Dozens of local and national organizations (with membership levels totaling in the millions) have voiced an outcry over the ruling. NBC could have acknowledged that "fucking" is vulgar and offensive in virtually every circle of American life, apologized for allowing the word to be aired live to millions of families, and then argued in its Opposition a legal basis against a finding of indecency (or against finding of a Notice of Apparent Liability). Instead NBC filed an Opposition that in fact ***condones*** and ***advocates*** such broadcast material, and that hurls legal insults at an organization comprised of hundreds of thousands of its own customers. The Opposition clearly is not just a legal maneuver to avoid paying a fine; it is an attempt by NBC to validate their actions now and for the future.

The Enforcement Bureau and NBC failed to address the issue of community standards and the term "patently offensive" yet both understand that in no community in this nation is the word "fuck" or any of its derivatives acceptable. *Pacifica* recognizes the concern for viewers being assaulted in the privacy of their own homes with material that is indecent. The public airwaves are given to licensees for free and should be used and maintained in a way that reflects the privilege they have been given. But with a woeful lack of enforcement by the FCC regarding decency, the networks, and in this case NBC, are flagrantly flaunting their disregard for boundaries intended by Congress and affirmed by *Pacifica*.

NBC's Opposition makes numerous arguments against the PTC and its Application For Review, none of which should bear one iota of Commission consideration as to whether "fucking" is indecent as contemplated under controlling legal authority. Many words in the English language could convey something sexual, yet there would be no indecency concern for a television performer to "cock" his head, "screw" in a light bulb, "prick" her finger, pet a "pussy"

or announce that a baseball batter has two "balls". The word "fucking" has no such ambiguity, yet somehow NBC finds this position to be "logically bankrupt".

NBC knew that such a verbal outburst by a performer was likely to occur. Previous awards ceremonies contained similar material. During the Golden Globes "red carpet broadcast" immediately prior to the TV program at issue here, actor Colin Farrell's response to a reporter included the word "shit." During the live broadcast of a different awards show only several weeks before the Golden Globes, the performer Cher made mention of her critics and said "fuck 'em" – again live on the air to a national audience. Knowing the existence of such a risk for the Golden Globes broadcast, NBC admitted that the ceremony's producer warned participants to exercise "proper decorum." But NBC chose to shift the responsibility of indecent programming from themselves to America's parents by virtue of a "TV-PG" program rating that appeared for a fleeting few seconds at the outset of the broadcast. The PTC is aware of no such "delegation of duty" provision in the broadcast licensing regulations.

NBC's Opposition states that a single use of any crude word is "too fleeting to constitute indecency". Ironically NBC, as a wholly-owned subsidiary of General Electric, has a strict internal employment policy expressly barring any "verbal or physical conduct of a sexual nature." Violation of this policy by an employee could lead to that employee's termination. NBC's Opposition filing seems at odds with this internal policy, again calling into question the sincerity of the promises it makes to obtain TV station broadcasting licenses. Legendary former Chief Executive Officer and corporate American icon John F. "Jack" Welch instituted a highly regarded Integrity Code of Conduct and called for each and every employee to understand and commit to "the spirit and the letter" of that policy. Employees must "sustain a culture where

ethical conduct is recognized, valued and exemplified". NBC should be ashamed by its contradictory behavior.

The PTC wishes to remind NBC – as well as the Commission – that the airwaves are public property, for which NBC pays nothing in order to distribute its network signal and through which it generates billions of dollars in advertising revenue. At a time when there is a national controversy surrounding expanded media ownership, localism and whether broadcasters are truly serving the public interest, the PTC takes special notice of NBC's filing; for it casts a new light on the once-proud "peacock" network's true colors.

## CONCLUSION

Because NBC refuses to hold in high regard the public interest, now is the time for the Commission to enforce the clear intent of the law and serve the public by issuing a Notice of Apparent Liability to every NBC affiliate that aired the indecent material. Licensees must know that any broadcaster who violates the law will be held accountable. Failure of the Commission to do so will constitute a breach of their own promise to the American public.

Respectfully submitted,

PARENTS TELEVISION COUNCIL

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