John Baldwin
2301 KINGS ROW
RENO, NV 89503

2/19/2008

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

FORMAL COMPLAINT

This is a formal complaint against a Broadcast Licensee for willful violation of Section 1464 of Title 18, United States Code. There was broadcast material that was in violation of law because of obscene, indecent, or profane programming.

The complaint concerns the broadcast material on:

NETWORK: ABC and Affiliate Stations

STATION CALL LETTERS: KOLO-TV
FACILTY ID: 63331

PROGRAM TITLE: "Good Morning America" which was broadcast on:
BROADCAST DATE: January 15, 2008
BROADCAST TIME: 8:20 AM PST

Complainant also believes that such broadcast material is patently offensive:

(a.) The material describes or depicts sexual or excretory organs or activities

(b) It is patently offensive as measured by contemporary community standards for the broadcast medium and thus apparently indecent.

(c) Especially offensive because it was broadcast at an hour when millions of children were watching between 6 a.m. and 10 p.m.

Documentation of the material on which my COMPLAINT is based on the information provided below. A video copy of the incident is available from American Family Association, PO Drawer 2440, Tupelo, MS 38803, phone: (662) 844-5036.

Documentation ----------

On January 15, 2008, ABC broadcast "Good Morning America." During the course of the program, actress Diane Keaton uttered the word "fucking."

Transcript of interview with Diane Sawyer:
Diane Keaton: "Those lips, I love them. I would like to have lips like that. Then I wouldn't have worked on my f---ing personality. Excuse me, my personality. If I had lips like yours, I'd be better off. My life would be better. I would be married. I have these thin lips."

Sawyer: "My mother is going to work on your personality with soap in your mouth."

End Documentation ----------

Wasn't bleeped out??

Section 1464 of Title 18, United States Code, prohibits the broadcast of obscene, indecent, or profane programming. The FCC rules implementing that statute, a subsequent statute establishing a "safe harbor" during certain hours, and the Act prohibit radio and television stations from broadcasting obscene material at any time and indecent material between 6 a.m. and 10 p.m. The indecent material was broadcast within the 6 a.m. to 10 p.m. time frame relevant to an indecency determination under section 73.3999 of the Commission's rules.

For the reasons above stated, Complainant urges the FCC to exercise its responsibility to enforce the existing law against indecency on broadcast TV between the hours of 6 a.m. and 10 p.m. (Title 18, U.S. Code, Section 1464) by levying severe sanctions against the broadcasters of this program.

Complainant requests that since the broadcast television licensee willfully violated the law that it be liable to the United States for a forfeiture penalty. The legislative history to Section 312(f)(1) clarifies that this definition of willful applies to both Sections 312 and 503(b) of the Act, and the Commission has so interpreted the term in the Section 503(b) context.

The Commission has already defined the "F-Word" as profanity in the Notices of Apparent Liability and Memorandum and Order that was adopted on February 21, 2006. In the Golden Globe Awards Order, the Commission concluded that the "F-Word" constituted "profane language" within the meaning of 18 U.S.C. S 1464 because, in context, it involved vulgar and coarse language "so grossly offensive to members of the public who actually hear it as to amount to a nuisance."

The fact that Broadcast Licensee may not have originated the programming in question is irrelevant to whether there is an indecency violation. See Review of the Commission's Regulations Governing Programming Practices of Broadcast Television Networks and Affiliates, Notice of Proposed Rulemaking, 10 FCC Rcd 11951,11961, P 20 (1995)

Complainant requests the maximum monetary forfeiture statutory penalty amount against the Licensee for broadcasting indecent material in apparent violation of 18 U.S.C. S: 1464 and Section 73.3999 of the Commission's rules.

Complainant requests the Licensee to air future live entertainment programming with a five-minute delay to avoid future violations of Section 1464 of Title 18, United States Code.

Complainant certifies that, to the best of my knowledge and belief, all the information on and attached to this affidavit is true, correct, and complete and made in good faith.

Complainant also certifies a true and correct copy of the foregoing document is being served this day on the licensee of record in the manner specified, via US regular mail, postage prepaid.

Sincerely,

John Baldwin
2301 KINGS ROW
RENO, NV 89503

Cc:
GRAY TELEVISION LICENSEE, INC.
1750 K ST NW SUITE 1200
WASHINGTON, DC 20006