

**FOX BROADCASTING COMPANY**

A UNIT OF FOX TELEVISION

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President  
Entertainment Group

February 5, 2004

The Honorable John D. Dingell  
Ranking Member  
United States House of Representatives  
Committee on Energy and Commerce  
Washington, D.C. 20515-6115

RE: Your Letter of January 27, 2004

Dear Congressman Dingell:

I am writing in response to your letter of January 27, 2004 on behalf of Fox Broadcasting Company, which operates the FOX Television Network ("FOX"). FOX appreciates your interest in ensuring that America's children are not exposed to objectionable content during live television entertainment events. Indeed, we have long shared this goal, and that is why we have diligently attempted since FOX's inception to keep objectionable content out of live television.

1. FOX does not believe that it is acceptable to transmit entertainment programming, live or otherwise, that contains the "f word" or similarly objectionable language. The only exception to this general policy would be in the very rare instance where necessary for artistic reasons, in programming which does not target children and which includes clear parental advisories. The network believes that it has a responsibility to its viewers to attempt to prevent the broadcast of objectionable content, particularly during the broadcast of live entertainment events. FOX takes this responsibility very seriously and has in place procedures designed to achieve this goal. Even though these procedures historically have been, on the whole, quite successful, we recently implemented several key changes to bolster our efforts in this regard.

2. With the immediacy of live television comes the possibility that performers will spontaneously deviate from the script and do or say something that is offensive to some viewers. This, in fact, was what happened with the Billboard

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Music Awards broadcast on December 10, 2003. During that broadcast, FOX was utilizing a time delay procedure, as it does for all live entertainment programming. This five-second delay provided that viewers saw "live" programming on their television screens five seconds after the events actually occurred. That delay allowed a member of FOX's Broadcast Standards division to edit out objectionable content before it aired on viewers' television through use of a "delete button."

Although these procedures have been in place for a number of years, their effectiveness depends ultimately on the actions of a human being. The Broadcast Standards employee working during the 2003 Billboard Music Awards broadcast did manage to use the delay button to successfully edit out the first spontaneous expletive spoken by Nicole Richie during the show. Unfortunately, however, he did not catch the other two objectionable words spontaneously spoken by Ms. Richie immediately after the first objectionable word that had been deleted. We emphasize that the objectionable words contained in Ms. Richie's remarks were spontaneously delivered, and departed from the script prepared for the show.

FOX immediately edited the tape of the Billboard Music Awards show to remove the objectionable content before the material aired on tape delay in the Mountain and Pacific time zones. In addition, FOX has taken steps to try to prevent this type of error from occurring again (see below).

3. FOX has implemented several significant enhancements to its time-delay system and operational protocols in an effort to reduce the risks associated with human error during future live entertainment broadcasts. We are adding personnel to permit simultaneous but parallel and separate review processes by up to four separate teams, each with their own separate sub-systems to independently remove audio and video. Further, the entire system will include redundant hardware to protect against equipment failure. We believe these steps will help ensure objectionable content does not air during live entertainment events.

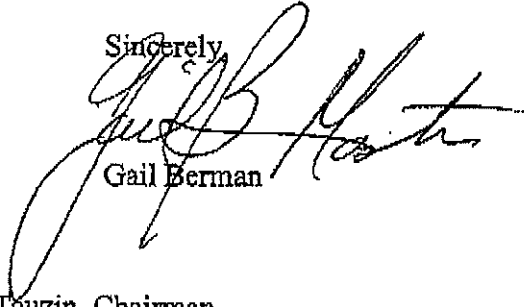
4-6. Questions 4, 5 and 6 ask whether Congress and the Federal Communications Commission ("FCC") should increase the sanctions applicable to the broadcast of indecent programming. We believe that the FCC has historically followed a cautious approach to indecency regulation – and for good reason. The FCC's indecency standard is inherently vague, yet it constitutes a restriction on creative content protected by the core of the First Amendment. Whenever content creators are faced with governmental interference, particularly if the standard for oversight is vague, there is a serious risk of chilling free speech. That having been said, we will comply with laws passed by Congress, or regulations implemented at the FCC, that pass constitutional muster.

In sum, FOX understands and appreciates your interest in ensuring that America's children are not exposed to objectionable content on live television. We

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believe that the changes that we are implementing will greatly reduce this risk on our network.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail Berman", written over the word "Sincerely,".

Gail Berman

cc: The Honorable W.J. "Billy" Tauzin, Chairman  
Committee on Energy and Commerce