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December 3, 2004

BY FIRST CLASS MAIL, POSTAGE PREPAID AND BY HAND

William H. Davenport, Chief
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 4-C330
Washington, D.C. 20554

Re: **Bluenose Broadcasting of Savannah, LLC**
WTGS (TV), Hardeeville, SC
File No. EB-03-IH-0162
FRN 6597041
Facility ID No. 27245
NAL/Acct No. 20043208307

Dear Mr. Davenport:

Bluenose Broadcasting of Savannah, LLC, ("Bluenose"), licensee of WTGS (TV), Hardeeville, South Carolina, by its attorneys, hereby responds to the Notice of Apparent Liability for Forfeiture ("NAL") issued by the Commission on October 12, 2004 to licensees of Fox Television Network stations.¹ For the reasons set forth below, as well as the reasons stated in the separately filed Joint Response to which Bluenose is

¹ *In the Matter of Complaints Against Various Licensees Regarding Their Broadcast of the Fox Television Network Program "Married by America" on April 7, 2003, Notice of Apparent Liability for Forfeiture, FCC 04-242, NAL/Acct No. 200532080003, EB-03-IH-0162 (rel. Oct. 12, 2004).* On November 3, 2004, by email, you granted Bluenose's request for an extension of time, up to December 3, 2004, by which to respond to this NAL.

a party,² Bluenose respectfully requests cancellation or reduction of the \$7,000 forfeiture proposed in the NAL.

WTGS(TV) is an affiliate of the Fox Television Network. In the NAL, the Commission proposed a \$7,000 forfeiture for each Fox affiliate, including WTGS(TV), that aired an episode of the Fox program, "Married by America," based on its finding that the episode included program material that was inconsistent with the Commission's indecency standards.

In addition to the grounds for cancellation or reduction that are articulated in the Joint Response, Bluenose requests cancellation or reduction of the \$7,000 forfeiture proposed in the NAL based upon the downward adjustment criteria specified in the Commission's guidelines for assessing Section 503 forfeitures.³ These guidelines permit a proposed forfeiture to be adjusted downward based on, among other things, a history of overall compliance.⁴

Bluenose is in good standing with the Commission and has a history of complying with the Commission's rules. In the entire time that Bluenose has been an FCC licensee, it has not been the subject of any forfeiture, penalty, or admonishment by the Commission for rule violations.⁵ In short, Bluenose has the kind of history of overall compliance that warrants a downward adjustment under the forfeiture criteria.

² *In the Matter of Complaints Against Various Licensees Regarding Their Broadcast of the Fox Television Network Program "Married by America" on April 7, 2003, Opposition to Notice of Apparent Liability for Forfeiture*, submitted by Fox Broadcasting Company and The Licensees of the Television Broadcast Stations Affiliated with the Fox Television Network, Identified In Attachment A Thereto, NAL/Acct. No. 200532080003, EB-03-IH-0162 (filed Dec. 3, 2004) ("Joint Response").

³ See 47 C.F.R. § 1.80, Note to Paragraph (b)(4): Guidelines for Assessing Forfeitures, Section II, Adjustment Criteria for Section 503 Forfeitures.

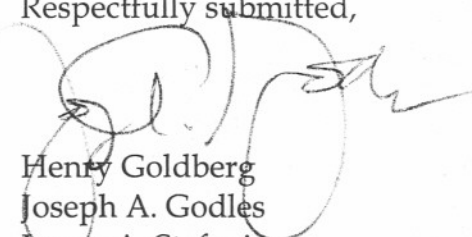
⁴ *Id.*; see also, *In the Matter of Entercom Seattle License, LLC; Licensee of Station KNDD(FM), Seattle, Washington*, Memorandum Opinion and Order, 19 FCC Rcd. 9069 (2004) (upholding a forfeiture order to which the Enforcement Bureau had made a downward adjustment due to the licensee's overall history of compliance).

⁵ Bluenose, which was formerly known as Brissette Broadcasting of Savannah, LLC, became the licensee of WTGS(TV) in January 1999.

Mr. William H. Davenport
December 3, 2004
Page 3

Accordingly, and for the reasons stated herein and in the Joint Response, the Commission should rescind or reduce the \$7,000 forfeiture proposed in the NAL.

Respectfully submitted,



Henry Goldberg
Joseph A. Godles
Laura A. Stefani

*Attorneys for Bluenose Broadcasting
of Savannah, LLC*