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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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DEC - 9 2004

Federal Communications Commission
Office of Secretary

In re Application of)
CBS Television Stations, Inc.) BRCT-20041001AJQ
for Renewal of WFOR-TV, Miami Florida)

PETITION TO DENY RENEWAL

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December 9, 2004

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of)
CBS Television Stations, Inc.) BRCT-20041001AJQ
for Renewal of WFOR-TV, Miami Florida)

PETITION TO DENY RENEWAL

The United Church of Christ ("UCC") respectfully submits this petition to deny the renewal of station WFOR-TV, Miami, FL. WFOR-TV is licensed to CBS Television Stations, Inc. Both CBS Television Stations, Inc. and the CBS Television Network are subsidiaries of Viacom, Inc.

INTRODUCTION

UCC asks the Commission to designate the WFOR-TV application for hearing because there is a substantial and material question as to whether Viacom, Inc., WFOR-TV's parent company, has operated WFOR-TV and its other CBS owned and operated stations in the public interest.

The incident which has triggered this petition to deny is the CBS Television Network's refusal to carry an advertisement for which UCC had agreed to purchase time on the CBS network. Rejection of this advertisement is demonstrative of a systematic CBS policy which fails to allow programming which depicts the full range of religious expression in the United States, and specifically, in the viewing area of WFOR-TV.

The public interest standard of the Communications Act and the First Amendment protect viewers' rights, including those of UCC's members, to have access to a diversity of programming, including programming involving the expression of varying religious perspectives. The failure of WFOR-TV and other stations in the Miami market to provide such programming denies all viewers, including UCC's members, the right "to receive suitable access to social, political, esthetic, moral and other ideas and experiences...." *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969).

The Communications Act and the First Amendment also protect UCC's rights to speak to its members and to the public on matters relating to religious expression.

THE PETITIONER

UCC is a Protestant denomination comprised of nearly 6,000 congregations and more than 1.3 million members. As a blend of four distinct Christian traditions -- Congregational, Christian, Evangelical and Reformed -- the UCC includes some of the country's oldest congregations and structures.

UCC churches are located throughout the country, including the Miami, Florida area. Members of these churches include many regular viewers of WFOR-TV and other over the air television stations. Some of these members do not subscribe to cable, DVS or other subscription video programming distribution services.

Exhibit 1 is the declaration of the Rev. John H. Thomas. He attests to the harm to the moral and ethical expression and speech rights which UCC and members of UCC churches have incurred as a result of WFOR-TV's failure to serve the public interest.

The attached Exhibit 2 contains 6 declarations from members of UCC churches located in Florida which attest to their residence, their viewing practices and to the harm that they have incurred as a result of WFOR-TV's failure to serve the public interest.

THE FACTS

In 2002, UCC embarked on an identity campaign under the theme "God is Still Speaking." The advertising campaign is tied to an ambitious program of equipping local church leaders to welcome newcomers into the worship, fellowship and mission life of their congregations, and

moving the national culture from one of division to one of inclusion.¹

As part of its identity campaign, UCC has produced television advertising spot messages, including one called "Night Club." The "Night Club" spot is intended to reach those who have been alienated or felt rejected from the traditional church, and society in general. UCC believes that this spot sends an important message about the need to include all people. The spot can be viewed online at the following url: <http://www.stillspeaking.com/default.htm>

One reason a campaign like this is important is because programming reflecting the full range of religious, moral and ethical expression in this country is not generally available on over the air television. UCC has purchased time on certain cable networks for the "Night Club" advertisement, but from the beginning it specifically included the over the air networks in its advertising schedule as a matter of justice so that those Americans who cannot afford cable would have access to UCC's message of openness and inclusion.²

The "Night Club" spot advertisement was test marketed on 11 stations, including 5 CBS affiliated TV stations, none of which are owned and operated by CBS. There were no clearance issues raised by any of the 11 stations, and no complaints have been received pertaining to the "Night

¹Thousands of clergy and lay leaders have been trained, using materials that build on the slogan, "God is Still Speaking," a modern rendition of the farewell by Pilgrim pastor, John Robinson, to his congregation of dissidents who set sail on the Mayflower for the New World. "Do not cling to where Calvin and Luther left us," Robinson said. "God hath yet more light and truth to break forth from God's Holy Word." The Pilgrims are one of the forebear streams of the United Church of Christ

²Inasmuch as this is a national campaign, UCC has no interest in placing advertisements on a station by station basis other than for test marketing. It would be impractical, burdensome and expensive to place spots on a station by station basis. It is virtually certain that station-by-station placement would not allow full national coverage. Moreover, for obvious reasons, obtaining placement during appropriate adjacent programming is extremely important to UCC; this would not be possible in negotiating station by station buys.

Club” ad since it ran on those stations.

In November, 2004, UCC was informed by its advertising agency that the CBS network had raised questions about its willingness to carry the “Night Club” spot. After further discussions, CBS informed UCC’s advertising agency that it would not carry the advertisement. UCC requested documentation of this refusal, and CBS faxed the memo which is attached as Exhibit 2 to the Thomas declaration.

The memo is a “Program Practices Commercial Clearance Report” form from Robert L. Lowary and addressed to UCC’s ad agency representative. It states in relevant part that

CBS/UPN Network policy precludes accepting advertising that touches on and/or takes a position on one side of a current controversial issue of public importance. Because this commercial touches on the exclusion of gay couples and other minority groups by other individuals and organizations, and the fact that the Executive Branch has recently proposed a Constitutional Amendment to define marriage as a union between a man and a woman, this spot is unacceptable for broadcast on the Networks.

ARGUMENT

WFOR-TV’s failure to present perspectives on the variety of ethically and value based expression in the United States and in the Miami market, combined with the refusal to sell time to UCC for the carriage of an advertisement explaining UCC’s perspective on the social, ethical and moral justice dimensions of inclusion, raises serious questions as to whether grant of the WFOR-TV application for renewal is in the public interest.

UCC maintains that, under the facts here, WFOR-TV improperly failed to recognize that UCC had a limited right of access for the purchase of time.

This petition is *not* based on rights conferred by the fairness doctrine.³ Rather, this petition is based on the policies inherent in the public interest standard of the Communications Act. As the Supreme Court has emphasized, “the ‘public interest’ in broadcasting clearly encompasses the presentation of vigorous debate of controversial issues of importance and concern to the public;...” *Red Lion Broadcasting Co. v. FCC*, 395 U.S. at 385.

There is no FCC or judicial case which has determined the scope of viewers’ rights to purchase time for the carriage controversial issues under the public interest standard in the absence of the Fairness Doctrine.

CBS v. Democratic National Committee, 412 U.S. 94 (1973) (“*DNC*”), is frequently cited for the proposition that citizens do not have the right to purchase air time for the discussion of controversial issues. That case, however, arose under an entirely different legal regime, and the Supreme Court’s decision was explicitly based on the existence of the fairness doctrine.

In *DNC*, an organization of businessmen and a political party sought to purchase time to present long form programming and spot advertisements on controversial issues, including the war in Vietnam, without regard to whether the stations had otherwise complied with the Fairness Doctrine. The FCC ruled that broadcasters were not obligated to sell airtime for such purposes. The U.S. Court of Appeals reversed the FCC, holding that a flat refusal to sell editorial advertisements violates the First Amendment. *Business Executives' Move For Vietnam Peace v. FCC*, 450 F.2d 642

³The Commission has stopped enforcing the fairness doctrine. See *Syracuse Peace Council*, 2 FCCRcd. 5043 (1987), *aff'd sub nom. Syracuse Peace Council v. FCC*, 867 F.2d 654 (D.C. Cir. 1989). As a separate matter unrelated to this petition, UCC believes that the fairness doctrine is statutorily mandated. *DNC*, 412 U.S. at 110 n.8; *Red Lion Broadcasting Co. v. FCC*, 395 U.S. at 380; *Maier v. FCC*, 735 F.2d 220, 225 n.4 (7th Cir. 1984); *Arkansas AFL-CIO v. FCC*, 11 F.3d 1430, 1443 (8th Cir. 1993) (Gibson, J. dissenting). *But see, TRAC v. FCC*, 801 F.2d 501 (D.C. Cir. 1986).

(D.C. Cir.1971). The Supreme Court reinstated the FCC's decision, holding that there is no statutory or First Amendment right to buy time for discussion of issues under the circumstances presented.

The Supreme Court's decision made it clear that licensees have an obligation to present, and not to suppress, speech about controversial issues. Quoting from the FCC's own decision in the case, the Supreme Court affirmed that

The most basic consideration in this respect is that the licensee cannot rule off the air coverage of important issues or views because of his private ends or beliefs. As a public trustee, he must present representative community views and voices on controversial issues which are of importance to his listeners....This means also that some of the voices must be partisan. A licensee policy of excluding partisan voices and always itself presenting views in a bland, inoffensive manner would run counter to the 'profound national commitment that debate on public issues should be uninhibited, robust, and wide-open.' *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964); see also *Red Lion Broadcasting Co., Inc., v. FCC*, 395 U.S. 367, 392 (n. 18) (1969)....

DNC, 412 U.S. at 111-112, quoting *Democratic National Committee*, 25 FCC2d 216, 222-223 (1970).

Reviewing the policies then in place, the Court found that that there was no need to require the sale of time because compliance with the Fairness Doctrine was the means that the FCC used to assure that the public received access to discussion of controversial issues and to varying points of view on those issues. *DNC*, 412 U.S. at 110-14.⁴ For this reason, Chief Justice Burger concluded

⁴See also, *Id.* at 147 (White, J., concurring)("Congress intended that the Fairness Doctrine be complied with, but it also intended that broadcasters have wide discretion with respect to the method of compliance. There is no requirement that broadcasters accept editorial ads; they could, instead, provide their own programs, with their own format, opinion and opinion sources."); *Id.* at 178 (Brennan, J., dissenting)("The Court maintains that, in light of the Fairness Doctrine, there simply is no reason to allow individuals to purchase advertising time for the expression of their own views on public issues.")

that “under the Fairness Doctrine broadcasters are responsible for providing the listening and viewing public with access to a balanced presentation of information on issues of public importance...,” *DNC*, 412 U.S. at 113 (footnotes omitted), and that “[c]onsistent with that philosophy, the Commission on several occasions has ruled that no private individual or group has a right to command the use of broadcast facilities.” *Id.*

This case presents entirely different circumstances. Correctly or not, the FCC has abandoned the Fairness Doctrine, and no longer has any policy which requires broadcasters to carry controversial programming at all, much less any policy which assures that the public has access to debate offering opposing points of view on such issues.

The *DNC* Court did consider the possibility that there might be circumstances when opposing views were not available to the public.. Having noted that broadcasters are generally afforded broad discretion in programming judgments, the Court did contemplate that when this discretion is abused in contravention of the public’s right to have such access, the Commission would have to take remedial action:

Only when the interests of the public are found to outweigh the private journalistic interests of the broadcasters will government power be asserted within the of the Act. License renewal proceedings, in which the listening public can be heard, are a principal means of such regulation. See *Office of Communication of the United Church of Christ v. FCC*, 359 F.2d 994 (1966), and 425 F.2d 543 (1969):

DNC, 412 U.S. at 110.

UCC maintains that this is the kind of case that the Supreme Court had in mind when it said that the license renewal process is the appropriate mechanism to deal with the failure to meet the programming needs of the public. In the absence of the Fairness Doctrine, the Commission must now craft another approach to deal with the flat refusal to carry speech on controversial issues and

to educate and inform the viewing public on such issues. Significantly, one remedy the Supreme Court contemplated was affording a limited right of access to group such as UCC. Discussing such rights of access, the Court said that

Conceivably at some future date Congress or the Commission - or the broadcasters - may devise some kind of limited right of access that is both practicable and desirable.

DNC, 412 U.S. at 131.⁵ Thus, the Commission need not await legislation to craft a limited right of access. Rather, as was held in *DNC*,

Congress has chosen to leave such questions with the Commission, to which it has given the flexibility to experiment with new ideas as changing conditions require.

DNC, 412 U.S. at 122-23.

The licensee has failed its obligations to the public. There is no FCC policy which assures UCC that its viewpoints on religious expression will be carried, or that its members and other viewers will have access to those perspectives in the programming on WFOR-TV or on other stations in the Miami market. Accordingly, this license renewal proceeding is the right place, and this is the right time, to address WFOR-TV's failure to serve the public interest.

CONCLUSION

WFOR-TV and the commonly owned CBS Television Network have followed a programming policy which is contrary to the public interest. The Commission should recognize a limited right of access under the circumstances presented here, designate a hearing to consider whether grant

⁵For example, Congress has enacted one such limited access provision as Section 312(a)(7) of the Communications Act. *See CBS, Inc. v. FCC*, 453 U.S. 367 (1981)(upholding the constitutionality of Section 312(a)(7)).

of the WFOR-TV renewal application is in the public interest, and grant all such other relief as may be just and proper.

Respectfully submitted,

Angela J. Campbell
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Georgetown University Law Center
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600 New Jersey Avenue, NW
Washington, DC 20001
(202) 662-9535

Andrew Jay Schwartzman
Media Access Project
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1625 K Street, NW
Washington, DC 20006
(202) 232-4300

Counsel for the United Church of Christ

December 9, 2004

Attachment A

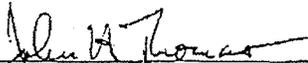
Declaration of the Rev. John H. Thomas

Page 2 of 2

11. UCC's rights of religious, ethical and moral expression and those of members of UCC churches have also been harmed because the refusal to carry the "Night Club" ad limits UCC's ability to communicate with the members of UCC churches.
12. UCC's right to speak to those who have been alienated or felt rejected has been harmed by the refusal of NBC and CBS to carry the "Night Club" ad.
13. The right of members of UCC churches and other citizens to have access to diverse programming has been harmed by the refusal of NBC and CBS to carry the "Night Club" ad as well as by their failure to carry programming reflecting the full range of religious expression in the United States on their networks and on their owned and operated stations.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of December, 2004.



The Rev. John H. Thomas

EXHIBIT 1
TO
DECLARATION OF THE REV. JOHN H. THOMAS
Memorandum from NBC

CLIENT/PRODUCT	TITLE	LENGTH
United Church of Christ	Night Club	:30

ENCLOSED FOR THE ABOVE:

[] STORYBOARD

[X] SCRIPT

[] AS PRODUCED SCRIPT

[X] VTR - FINAL SPOT

[] SUBSTANTIATION

[] OTHER

Too controversial

Jena Stadlander
 Account Coordinator
 Phone: 212-414-7047
 Fax: 212-414-7109

- ADVERTISING STANDARDS
- APPROVED.....TEEN SCHEDULING
- CLEARANCE MUST AWAIT
- RECEIPT OF PRODUCT SAMPLE,
- PACKAGE AND INSTRUCTIONS
- REVISIONS AS INDICATED
- SATISFACTORY SUBSTANTIATION
- OF UNDERLINED CLAIMS
- PRODUCER'S AFFIDAVIT
- TESTIMONIAL, AFFIDAVIT/RELEASE
- VIEWING COMPLETED FINAL TAPE & AS PRODUCED

SCRIPT
 EDITOR..... DATE 2/19
 Theda Browdy
 Ph: 212-664-5961
 Fax: 212-664-6366
 E: Theda.Browdy@NBC.Com

100 FIFTH AVENUE • NEW YORK, NEW YORK 10011 • TEL: (212) 414-7000 • FAX: (212) 414-7095

RESPONSE FROM NBC

EXHIBIT 2
TO
DECLARATION OF THE REV. JOHN H. THOMAS
Memorandum from CBS

736-2175
Paul Powell



CBS TELEVISION NETWORK

A Unit of CBS Broadcasting Inc., 51 West 52 Street, New York, NY 10019 (212) 975-4921
PROGRAM PRACTICES COMMERCIAL CLEARANCE REPORT

03/03/04

TO: Ms. Jena Stedlander
(Via Fax)

FAX TO:
212-414-7109

CLIENT:	United Church of Christ
PRODUCT:	Institutional

FROM: ROBERT L. LOWARY/212-975-3300
REGARDING MATERIALS SUBMITTED FOR APPROVAL:
VIDEOCASSETTE/SCRIPT:

RECEIVED:
FEB 19, 2004

ISCI	TITLE	LENGTH
XYLC 4301	"NIGHT CLUB"	:30

<input type="checkbox"/> APPROVED FOR BROADCAST		<input type="checkbox"/> NO APPARENT CONCERNS, AWAITING CASSETTE & JAS-PRODUCED SCRIPTS	
<input type="checkbox"/> SUBSTANTIATION REQUESTED AS NOTED BELOW		<input type="checkbox"/> REVISION REQUESTED AS NOTED BELOW	
SCHEDULING DIRECTIONS:			
<input type="checkbox"/> GENERAL <input checked="" type="checkbox"/> ADULT <input type="checkbox"/> FAMILY	<input type="checkbox"/> CELEBRITY:		
<input type="checkbox"/> NEW:	<input type="checkbox"/> COMPARATIVE PRODUCT ID:		
<input type="checkbox"/> PHONE NUMBER:	<input type="checkbox"/> SECONDARY PRODUCT ID:		
<input type="checkbox"/> TIME RESTRICTIONS:	<input type="checkbox"/> CLOSED CAPTIONING: DUAL MODE		
<input type="checkbox"/> OFFER/CONTEST			
<input type="checkbox"/> VIDEOCASSETTE / TAPE RETURNED			

FOR CBS USE ONLY:														
<input checked="" type="checkbox"/> RC	<input type="checkbox"/> SC	<input type="checkbox"/> SL	<input type="checkbox"/> SB	<input type="checkbox"/> RV	<input type="checkbox"/> PS	<input type="checkbox"/> LB	<input type="checkbox"/> AF	<input type="checkbox"/> RL	<input type="checkbox"/> NI	<input type="checkbox"/> OT	<input type="checkbox"/> DL	<input type="checkbox"/> SR	<input type="checkbox"/> LA	<input type="checkbox"/> CA

APPROVAL WITHHELD

CBS/UPN Network policy precludes accepting advertising that touches on and/or takes a position on one side of a current controversial issue of public importance. Because this commercial touches on the exclusion of gay couples and other minority groups by other individuals and organizations, and the fact that the Executive Branch has recently proposed a Constitutional Amendment to define marriage as a union between a man and a woman, this spot is unacceptable for broadcast on the Networks.

While moot, we must advise that CBS/UPN does accept advertising from churches and religious organizations which deliver secular messages that are beneficial to society in general. Nevertheless, advertising that proselytizes on behalf of any single religion is not acceptable. In our view, this commercial does proselytize.

PLEASE NOTE:

- CBS reserves the right to withdraw approval or restrict scheduling at any time.
- This report may not be released to any third party without prior written consent of CBS Program Practices.

CC *CONF*

Attachment B

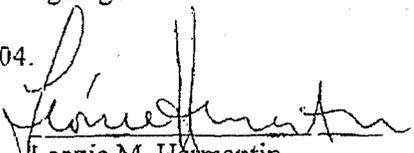
Declarations of Florida Viewers

Declaration of Leonie M. Hermantin

- 1 My name is Leonie M. Hermantin. I am a resident of Miami, Florida. I am a member of the United Church of Christ through membership in the Coral Gables Congregational United Church of Christ in Coral Gables, Florida.
- 2 I reside within the service area of stations WFOR-TV (Channel 4) and WJVT-TV, of Miami, and regularly view these and other local over-the-air television stations.
- 3 I am aware that the United Church of Christ has attempted to purchase advertising on the NBC and CBS television networks, and that these networks are commonly owned by the companies which own WTVJ-TV and WFOR-TV, respectively. This advertising was intended to inform the public that the United Church of Christ welcomes everyone.
4. It is my impression that, individually and collectively, the Miami area over the air television stations available to me do not portray the full range of religious expression in this country and in this area and that, in particular, they do not carry programming which indicates that there are denominations such as the United Church of Christ which invite all people to worship in their churches.
5. My rights of religious expression have been harmed by the inability of my denomination to invite others to join me in worship as part of the United Church of Christ.
6. My rights of religious expression have been harmed by the inability of my denomination to speak to me through its television advertisement.
7. My right to have access to diverse programming has been harmed by the refusal of the NBC and CBS networks to carry the United Church of Christ's advertisement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of December, 2004.

Signature: 
Leonie M. Hermantin

Declaration of the Rev. Dianne Hudder

1. My name is the Rev. Dianne Hudder. I am a resident of Miami, Florida. I am a member of the United Church of Christ through membership in the Christ Congregational United Church of Christ in Palmetto Bay, Florida.
2. I reside within the service of area of stations WFOR-TV (Channel 4) and ~~WTVT-TV~~ ^{WTVJ} ~~WTVT-TV~~, of Miami, and regularly view these and other local over-the-air television stations.
D.H.
3. I am aware that the United Church of Christ has attempted to purchase advertising on the NBC and CBS television networks, and that these networks are commonly owned by the companies which own WTVJ-TV and WFOR-TV, respectively. This advertising was intended to inform the public that the United Church of Christ welcomes everyone.
4. It is my impression that, individually and collectively, the Miami area over the air television stations available to me do not portray the full range of religious expression in this country and in this area and that, in particular, they do not carry programming which indicates that there are denominations such as the United Church of Christ which invite all people to worship in their churches.
5. My rights of religious expression have been harmed by the inability of my denomination to invite others to join me in worship as part of the United Church of Christ.
6. My rights of religious expression have been harmed by the inability of my denomination to speak to me through its television advertisement.
7. My right to have access to diverse programming has been harmed by the refusal of the NBC and CBS networks to carry the United Church of Christ's advertisement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of December, 2004.

Signature: Rev. Dianne Hudder
The Rev. Dianne Hudder

P. 2
04

FAX NO. 216 736 2223

Dec 08 04 10:29a Christ Congregational Chu 305-238-4801
DEC-09-2004 THU 08:57 AM PIC

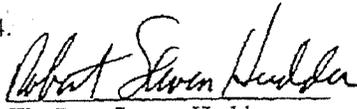
Declaration of the Rev. Steven Hudder

1. My name is the Rev. Steven Hudder. I am a resident of Miami, Florida. I am a member of the United Church of Christ through membership in the Christ Congregational United Church of Christ in Palmetto Bay, Florida.
2. I reside within the service of area of stations WFOR-TV (Channel 4) and ~~WTVT~~ ^{BSA} ~~WTVT~~ TV, of Miami, and regularly view these and other local over-the-air television stations.
3. I am aware that the United Church of Christ has attempted to purchase advertising on the NBC and CBS television networks, and that these networks are commonly owned by the companies which own ~~WTVT~~ TV and WFOR-TV, respectively. This advertising was intended to inform the public that the United Church of Christ welcomes everyone!
4. It is my impression that, individually and collectively, the Miami area over the air television stations available to me do not portray the full range of religious expression in this country and in this area and that, in particular, they do not carry programming which indicates that there are denominations such as the United Church of Christ which invite all people to worship in their churches.
5. My rights of religious expression have been harmed by the inability of my denomination to invite others to join me in worship as part of the United Church of Christ.
6. My rights of religious expression have been harmed by the inability of my denomination to speak to me through its television advertisement.
7. My right to have access to diverse programming has been harmed by the refusal of the NBC and CBS networks to carry the United Church of Christ's advertisement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of December, 2004.

Signature:


The Rev. Steven Hudder

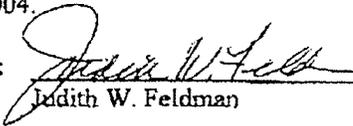
Declaration of Judith W. Feldman

1. My name is Judith W. Feldman. I am a resident of Miami, Florida. I am a member of the United Church of Christ through membership in the First Church of North Miami Congregational United Church of Christ in North Miami, Florida.
2. I reside within the service of area of stations WFOR-TV (Channel 4) and WJVT-TV, of Miami, and regularly view these and other local over-the-air television stations.
3. I am aware that the United Church of Christ has attempted to purchase advertising on the NBC and CBS television networks, and that these networks are commonly owned by the companies which own WTVJ-TV and WFOR-TV, respectively. This advertising was intended to inform the public that the United Church of Christ welcomes everyone.
4. It is my impression that, individually and collectively, the Miami area over the air television stations available to me do not portray the full range of religious expression in this country and in this area and that, in particular, they do not carry programming which indicates that there are denominations such as the United Church of Christ which invite all people to worship in their churches.
5. My rights of religious expression have been harmed by the inability of my denomination to invite others to join me in worship as part of the United Church of Christ.
6. My rights of religious expression have been harmed by the inability of my denomination to speak to me through its television advertisement.
7. My right to have access to diverse programming has been harmed by the refusal of the NBC and CBS networks to carry the United Church of Christ's advertisement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of December, 2004.

Signature:


Judith W. Feldman

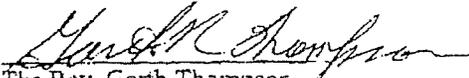
Declaration of the Rev. Garth Thompson

1. My name is the Rev. Garth Thompson. I am a resident of Miami Beach, Florida. I am a member of the United Church of Christ through membership in the Miami Beach Community United Church of Christ in Miami Beach, Florida.
2. I reside within the service of area of stations WFOR-TV (Channel 4) and WJVT-TV, of Miami, and regularly view these and other local over-the-air television stations.
3. I am aware that the United Church of Christ has attempted to purchase advertising on the NBC and CBS television networks, and that these networks are commonly owned by the companies which own WTVJ-TV and WFOR-TV, respectively. This advertising was intended to inform the public that the United Church of Christ welcomes everyone.
4. It is my impression that, individually and collectively, the Miami area over the air television stations available to me do not portray the full range of religious expression in this country and in this area and that, in particular, they do not carry programming which indicates that there are denominations such as the United Church of Christ which invite all people to worship in their churches.
5. My rights of religious expression have been harmed by the inability of my denomination to invite others to join me in worship as part of the United Church of Christ.
6. My rights of religious expression have been harmed by the inability of my denomination to speak to me through its television advertisement.
7. My right to have access to diverse programming has been harmed by the refusal of the NBC and CBS networks to carry the United Church of Christ's advertisement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of December, 2004.

Signature:


The Rev. Garth Thompson.

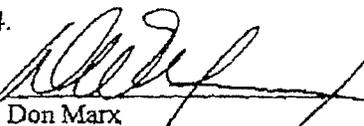
Declaration of Don Marx

1. My name is Don Marx. I am a resident of Miami, Florida. I am a member of the United Church of Christ through membership in the Christ Congregational United Church of Christ in Palmetto Bay, Florida.
2. I reside within the service of area of stations WFOR-TV (Channel 4) and WJVT-TV, of Miami, and regularly view these and other local over-the-air television stations.
3. I am aware that the United Church of Christ has attempted to purchase advertising on the NBC and CBS television networks, and that these networks are commonly owned by the companies which own WTVJ-TV and WFOR-TV, respectively. This advertising was intended to inform the public that the United Church of Christ welcomes everyone.
4. It is my impression that, individually and collectively, the Miami area over the air television stations available to me do not portray the full range of religious expression in this country and in this area and that, in particular, they do not carry programming which indicates that there are denominations such as the United Church of Christ which invite all people to worship in their churches.
5. My rights of religious expression have been harmed by the inability of my denomination to invite others to join me in worship as part of the United Church of Christ.
6. My rights of religious expression have been harmed by the inability of my denomination to speak to me through its television advertisement.
7. My right to have access to diverse programming has been harmed by the refusal of the NBC and CBS networks to carry the United Church of Christ's advertisement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of December, 2004.

Signature:


Don Marx

CERTIFICATE OF SERVICE

I, Paula Galloway, certify that, on this 9th day of December 2004, I caused to be served upon the parties listed below by first class mail, postage prepaid, copies of the foregoing *Petition to Deny* to the following:

Michael Colleran
President and General Manager
WFOR-TV
8900 NW 18th Terrace
Miami, Florida 33172

Edwin L. Nass
CBS Television Stations Inc.
Suite 725
2000 K Street, NW
Washington, DC 20006



Paula Galloway