

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Cox Media Group/
Georgia Television, LLC/WSB-TV
Broadcast License Renewal

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Application/File No. 0000128755

FRN: 0022439848

**Reply to CMG/WSB-TV Opposition Statement to the Petition to Deny the WSB-TV
Broadcast License Renewal**

Courtesy Email:
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February 18, 2021

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SUMMARY/ARGUMENT

My name is Darryl Brian Beauford. On January 7, 2021 I filed a Petition to Deny the Broadcast License Renewal of WSB-TV which serves the Metropolitan Atlanta, Georgia area which is majority owned by Apollo Global Management/Terrier Media Buyer and managed by Cox Media Group.

This is my response to CMG/WSB-TV's Opposition Statement of my Petition to Deny/Revoke the Broadcast License Renewal of WSB-TV.

My Petition to Deny is based on facts not allegations of the Federal Communications Commission's Rules and Regulations that were with "Willful Intent" violated by WSB-TV. CMG/WSB-TV willfully falsified their application in an attempt to purposefully mislead the Federal Communications Commission to believe they did not commit any FCC Rules and Regulations violations during the preceding license period. My Petition to Deny specifically pointed out FCC Rules and Regulations that were willfully with full intent, violated and it establishes a base that the rules were not abided by CMG/WSB-TV as clearly laid out by the Federal Communications Commission.

CMG/WSB-TV did violate **FCC CFR § 73.3526 Public Inspection File:** not allowing any of the Required Access of their Public Inspection File when I visited their main studio for that purpose on October 23, 2015 around 1:30pm. This was the conclusion of Agent Alethia Nicholson of the Federal Communications Commission's Enforcement Bureau office located in Duluth, Georgia. Upon her investigation at WSB-TV in 2016 was her conclusion thus "Ordering" WSB-TV's Management to re-invite me to return to view the files I requested to view on October 23, 2015. THIS ESTABLISHES A FACT NOT AN ALLEGATION THAT WAS

BROUGHT FORTH BY THE ENFORCEMENT BUREAU OF THE FEDERAL
COMMUNICATIONS COMMISSION.

From their decision, NOTHING WAS ALLEGED! THIS WAS A VIOLATION OF “WILLFUL
INTENT” OF FCC CFR § 73.3526: Public Inspection File.

CMG/WSB-TV’s Counsel has with “Willful Intent” taken my Petition to Deny out of context.

This is what CMG/WSB-TV’s Counsel stated in their Opposition to my Petition to Deny:

“According to the Beauford Petition and the Complaint, Mr. Beauford visited the WSB-TV studio on October 23, 2015 and requested to view the WSB-TV public inspection file. There is, however, a material difference between how the two documents characterize this visit. The Beauford Petition alleges that Mr. Beauford’s public file request included a specific reference to his December 25, 2014 email. That assertion is not supported by the Complaint. In the Complaint, which was first filed on October 24, 2015 (one day after Mr. Beauford’s visit to WSB-TV), Mr. Beauford provides a lengthy and detailed description of his interactions with WSB-TV personnel. That description includes multiple alleged statements made by Mr. Beauford and station personnel who responded to his request to review the public file. Mr. Beauford states that a WSB-TV employee asked him which files he wanted to see. He quotes himself as responding “WSB-TV-TV, Q4 of 2014, Q1 and Q2 of 2015.” The Complaint indicates that WSB-TV staff directed Mr. Beauford to the online public file, in compliance with Commission rules.”

According to his own contemporaneous account, Mr. Beauford did not indicate to WSB-TV staff that he wanted to see his December 2014 email when he visited the station on October 23, 2015. Rather, he quotes himself as requesting access to WSB-TV’s public file covering three time periods, the records for each of which was available online. It was therefore logical for WSB-TV staff to direct Mr. Beauford to the online public inspection file, where the vast majority of the records CMG is required to keep under Commission rules were maintained. The response from

WSB-TV staff was appropriate, in good faith, and compliant with Commission rules.”

There is no material difference between the two documents. If granted the required access, everything requested would have been found in the time periods requested, if kept within order and not omitted from the file. Emails, letters and other required Public File material from Q4 of 2014, Q1 and Q2 of 2015 would have been seen from those time periods and no need to be requested specifically to be viewed. The Letters and Emails from Q4 of 2014, Q1 and Q2 of 2015 would have been seen automatically because they are required to be included with those files in that particular time period according to FCC Rules and Regulations. There would have been no need to specify that individual request. I was shown nothing on October 23, 2015 during my visit to WSB-TV’s main studio. I was not granted the required access as directed by FCC Rules and Regulations. This was done with “Willful Intent”.

It is obvious that CMG/WSB-TV’s Counsel has never kept or assisted in keeping documents in a Public Inspection File. Documents in a Public Inspection File are categorized in either Quarters of the Year or Months of the Year. All of the items that are required to be entered are arranged in one of these categories (i.e., Letters, Emails, Political Files, Local News Issues, Children’s Reports, etc.) Not knowing how WSB-TV’s Public Inspection File is arranged, I thought it would be in Quarters of the Year and not in Months of the Year, this is why I requested to view Q4 of 2014, Q1 and Q2 of 2015. All the documents in those time periods should have been categorized in that manner then shown with the hard version or in the computer database. WSB-TV did neither. Again, I saw nothing on my visit on October 23, 2015.

On the other hand as stated in CMG/WSB-TV’s Opposition Statement, their Counsel Michael D. Basile and Christina H. Burrow admitted that CMG/WSB-TV’s file is “On-Line”.

Therefore it is in an electronic form and is a part of a database of a computer/server. I came to

WSB-TV's main studio to view their Public Inspection File. CMG/WSB-TV is guilty of violating **FCC CFR § 73.3526 (c)**. Here is how the Regulation CMG/WSB-TV violated is stated:

"FCC CFR § 73.3526 (c): *Access to material in the file.* (1) The file shall be available for public inspection at any time during regular business hours. All or part of the file may be maintained in a computer database, as long as a computer terminal is made available, at the location of the file, to members of the public who wish to review the file."

CMG/WSB-TV did not adhere to this FCC Regulation. No computer terminal was ever offered to me to view the file on October 23, 2015 when I was there to view the file. Instead of directing me to the FCC's website with a Post it and escorting me to the door as if I was a Trespasser, I should have been directed to a computer terminal as outlined by FCC CFR § 73.3526 (c). I appreciate Michael D. Basile and Christina H. Burrow of Cooley, LLP for pointing out that apparent violation of FCC CFR § 73.3526 (c) by CMG/WSB-TV.

CMG/WSB-TV's Counsel refers to the year 2017 when the requirement for Letters and Emails were eliminated. To refresh their memories, I did nothing in the year of 2017 that was pertinent to that statement. On October 23, 2015 the rule in place by the commission was clear that Letters and Emails were to be a part of the Public Inspection File. This is another attempt of CMG/WSB-TV's Counsel to "Willful Mislead".

CMG/WSB-TV's Counsel again is guilty of "Willfully Misleading" my Petition to Deny. This is what they stated in their in their Opposition Statement about Agent Alethia Nicholson and my phone conversation:

"He states that in October 2016 he spoke with an agent at an Enforcement Bureau Field Office and that after he explained the situation to the agent, the agent said she would contact the station and that someone from WSB-TV would be in touch with him."

I never made that statement! That is a total fabrication of my Petition to Deny. Agent Alethia Nicholson of the FCC's Enforcement Bureau called me in October 2016 and after her Investigation and we talked about my complaint #722407. She wanted to know what happened when I visited WSB-TV on October 23, 2015. This is what was said, "Agent Nicholson explained that the questioning of the editing of the program should have been directed to WSB-TV as you did, but the FCC has very little authority over that. She stated, "The FCC cannot cross over into censorship. This could be a violation of the 1st Amendment.

Agent Nicholson also stated, "The part of you coming to the Main Studio of WSB-TV to view the Public Inspection File and being denied access to it is a Major Violation of FCC Rules and Regulations and is being investigated; this is why I am calling to get more information."

Then, she also stated, "As a result of this apparent violation, someone from WSB-TV will be in contact with you. Who that will be, I don't know. I want you to know that you will be re-invited to come back to WSB-TV to view the Public Inspection File". Agent Nicholson also said, "I guarantee you will see it." I wanted to call you to get more details about what happened and you have certainly filled me in on that and she thanked me. That concluded the phone conversation with Agent Alethia Nicholson of the Enforcement Bureau of the Federal Communications Commission. This from Page 15 as noted in their references.

As you can see what CMG/WSB-TV's Counsel has stated in their Opposition Statement is a complete and total fabrication. No one said, "the agent said she would contact the station". That is a fabrication of CMG/WSB-TV's Opposition Counsel.

The Commission does not have a regulation for a Procedure/Protocol for viewing the Public Inspection File. Having one falls on the Licensee. A Licensee should note who comes in to wish to view their Public Inspection File. Therefore a Protocol/Procedure that the licensee has implemented should be in place. This is common knowledge. The FCC has voluntarily placed this responsibility on the Radio or Television stations so why should the Commission force licensees to implement a Protocol/ Procedure to view the Public Inspection File that falls on their responsibility as a Trustee of the Community. Again, this is common knowledge. By not having a Policy/Procedure in place means that the TV/Radio Station does not take the title of "Trustee of the Community" seriously therefore it should be grounds for Non-Renewal of their Broadcast License.

I was never granted the Required Access to CMG/WSB-TV's Public Inspection File on my first visit on October 23, 2015. CMG/WSB-TV's Security Guard refused to allow me to enter the building when I told her my reason for being there, to view the Public Inspection File. When finally allowed to enter after the security guard and WSB-TV's Receptionist conversed, I still did not see the Public Inspection File as required by FCC Rules and Regulations. Only after filing a complaint (#722407) with the Federal Communications Commission was when I saw that file and I still did not see everything requested but still demands to do so to this day.

The Resolution Page should be a part of the Public Inspection File. It is a gateway to show the "Transparency" the Trustee of the Community has addressed all complaints received by the Licensee. This is solid proof that CMG/WSB-TV does not take the Title of Trustee of the Community seriously.

CMG/WSB-TV mentioned that the regulation FCC CFR § 1.717 Procedure applies to common carriers only but regarding this regulation, from my own experience, when a complaint comes

from the Enforcement Bureau, a response is required. This is also applied to broadcasters as well. My complaint #722407 was investigated by the Enforcement Bureau of the Federal Communications Commission. Therefore when Tim McVay received my complaint as he admitted during our phone conversation, he (Tim McVay) did not respond to the FCC's Enforcement Bureau, therefore requiring an investigation by the Enforcement Bureau and the involvement of Agent Alethia Nicholson.

CMG/WSB-TV falsified their license renewal. In reference to the initial question, "Licensee (WSB-TV) certifies that, with respect to the station(s) for which renewal is requested there have been no violations by the licensee (WSB-TV) of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term?"

According to the Media Bureau, WSB-TV "IS ADMONISHED" in "Willful and Repeated" violation of section 315 (e)(2)(E) of the Act and Agent Nicholson's visit to WSB-TV regarding my complaint #722407, she stated to me during our phone conversation in June 2019, WSB-TV violated FCC CFR § 73.3526. At least 2 or more violations occurred during the preceding license term according to the FCC's Media and Enforcement Bureau. When it comes to the answer to that question, CMG/WSB-TV's answer was "No". Remember WSB-TV is a Trustee of the Community and a more appropriate answer should have been, "We refer to the statement below" to be within transparency. Their answer "No" is a blatant falsification and also misleading.

On the day of my visit to WSB-TV's main studio October 23, 2015, I made my request perfectly clear what I requested to view. This is why the lady that came said, "This could take a few minutes". She understood everything I said. As indicated, the FCC regulation states if the Public Inspection File is on a computer database, a computer terminal must be provided for anyone who

wishes to view it. WSB-TV never offered me a computer to view the file. I didn't see a computer anywhere in the lobby. WSB-TV defiantly violated regulation FCC CFR § 73.3526 (c) as well.

CONCLUSION

I ask the Federal Communications Commission to deny the Broadcast License Renewal of CMG/WSB-TV's therefore granting my Petition to Deny.

Cox Enterprises sold 77% of their Television Holdings to Apollo Global Management for the sum of \$3.1 Billion. The same company that is managing those Television Holdings is the same one that manages it today, Cox Media Group. This also goes for the Flagship Station of the Television Holdings WSB-TV. WSB-TV has a new majority stake owner but the same company that was managing it on October 23, 2015 is the same one that is managing it today, Cox Media Group. Therefore, the policies and principles that were in place on October 23, 2015 are still in place today.

The CMG/WSB-TV's Opposition Statement failed to mention anything about the character of this Trustee of the Community and the Racist act it committed against Norma's Academy of Dance on Christmas Day 2014. It did not mentioned how CMG/WSB-TV gave the White Girls (The Southern Belles) the "Equity" of Invaluable Added Exposure while giving the Black Girls of Norma's Academy of Dance nothing. Both dance acts should have been edited out of the edited version of the 2014 CHOA Christmas Parade. The same managing entity that managed that principle is managing the principles of WSB-TV today. Therefore the only thing that has changed is the majority stakeholder.

CMG/WSB-TV's Opposition Statement failed to mention the Security Guard at WSB-TV's main studio would not allow me to enter the building on October 23, 2015 after I told her I would like to view the Public Inspection File. They would not dare mention that this Security

Guard "Flat Out" defied Federal Communication Commission's Rules and Regulations.

CMG/WSB-TV's Opposition Statement failed to mention that Agent Alethia Nicholson of the Federal Communications Commission Enforcement Bureau's Field Office located in Duluth, GA visited WSB-TV to investigate my complaint #722407 and concluded that WSB-TV violated FCC CFR § 73.3526. Therefore were ordered by the FCC to re-invite to me to return to their main studio to view there Public Inspection File. WSB-TV is also guilty of violating FCC CFR § 73.3526(c).

CMG/WSB-TV's Opposition Statement mentioned the crux of my petition was rejected. What it failed to mention was "Why" it was rejected. CMG/WSB-TV's Opposition Statement failed to mention that the crux of my petition was rejected because it was not in the proper proceeding for my arguments. The License Renewal process is the proper proceeding for my arguments.

What CMG/WSB-TV did to Norma's Academy of Dance was indefensibly racist. What CMG/WSB-TV did to me was Illegal and is definitely not in the Public Interest.

With the overwhelming evidence presented, I ask the Federal Communications Commission to Grant my Petition to Deny therefore Denying/Revoking the Broadcast License Renewal of CMG/WSB-TV.

In a separate request, I ask the Federal Communications Commission to grant me the opportunity to go before the Administrative Law Judge of the Federal Communications Commission to present my case "In-Full".

With the overwhelming evidence that I have presented in my Petition to Deny CMG/WSB-TV's Broadcast License Renewal, I would welcome the opportunity to present my case to the FCC's Administrative Law Judge.

Thank you for this consideration and your time.

Sincerely,

A handwritten signature in blue ink that reads "Darryl Brian Beauford". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Darryl Brian Beauford

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CERTIFICATE OF SERVICE

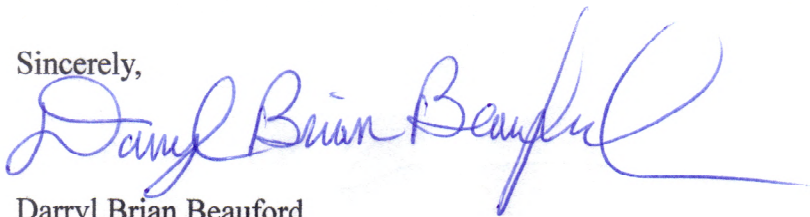
I, Darryl Brian Beauford sent a copy of my Response to the Opposition to my Petition to Deny
via email to:

Michael D. Basile
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And I also sent another copy via UPS to:

Ray Carter
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1601 West Peachtree Street N.E.
Atlanta, GA 30309

Sincerely,



Darryl Brian Beauford