

October 24, 2004

Office of the Secretary  
Federal Communications Commission  
Attn: Video Division  
License Renewal Processing Team  
Room 2-A665  
445 12th St. SW  
Washington, DC 20554

**RE: Informal Objection to the renewal of broadcast license for WBSC, Greenville SC**

Dear FCC Team;

The Sinclair Media Watch, a grassroots citizen's group composed of people who live in the Greenville, Spartanburg, Asheville, Anderson media market, objects to the renewal of the broadcast license for WBSC. The basis of our complaint is that the company which officially owns the license for WBSC is not actually an independent owner. Instead it has very close ties to the Sinclair Broadcasting Group (Sinclair) at all levels from ownership to station management and location.

The Sinclair Broadcasting Group already owns another station, WLOS, in this media market and has been prohibited by the FCC from direct ownership of WBSC because such ownership would violate the 1999 television duopoly rule (1). Therefore the WBSC owner of record is the Cunningham Broadcasting Corporation (Cunningham), doing business through a wholly owned subsidiary, Anderson (WFBC-TV) Licensee, Inc. (Anderson). This entity has a Local Marketing Agreement (LMA) with Sinclair.

We ask the FCC to consider the following facts in assessing whether WBSC is indeed independently owned, or whether, as we believe, it is essentially a Sinclair corporation of convenience.

- 1) The current WBSC biennial Ownership Report For Commercial Broadcast Stations gives the official license applicant as Anderson. The contact person for the corporation is Clifford M. Harrington, Esq. of the law firm, Shaw Pittman. Anderson's Corporate Vice President is listed as Carolyn C. Smith of Cockeysville, MD.
- 2) According to a recent investigative report by Free Press, Cunningham, formerly known as Glencairn Ltd, is also tied to the Smith family (2). In 1997, Carolyn Smith "controlled 90% of the equity in Glencairn, transferred her ownership interest to her grandchildren---the children of the principle owners of Sinclair itself."
- 3) Four of eight members of Sinclair's Board of Directors are sons of Carolyn Smith and the parents of Cunningham's equity owners. David Smith is CEO of the Sinclair Broadcasting Group. Frederick Smith, is Vice President. Duncan Smith is Vice President and Secretary, and Robert Smith is a Sinclair Director.
- 4) In addition, two law firms have interests in both Sinclair and Cunningham. One of these is Shaw Pittman, mentioned above as the corporate contact for Anderson. Shaw Pittman also filed Sinclair's current application for the renewal of the WLOS license. A retired Shaw Pittman partner, Martin Leader, sits on the Sinclair Board. The other law firm of interest is Thomas & Libowitz. Basil Thomas is a Sinclair Board member, and his son, Steven, is listed as "of counsel" to Sinclair. When a member of Sinclair Media Watch contacted WBSC to ask about station ownership he received a reply from Steven Thomas telling him the matter was none of his business and threatening legal action against the questioner if he copied or distributed the contents of the message.

These facts demonstrate that at an ownership and chief executive level, three generations of the Smith family control the Sinclair Broadcasting Group, Cunningham Broadcasting, and Anderson (WFBC-TV) Licensee, Inc. Through Basil Thomas and Martin Leader and their respective law firms, Sinclair, Cunningham, and Anderson are also related. All told, six of the eight members of the Sinclair Board of Directors have obvious ties to Cunningham and Anderson.

The indistinctness of the businesses extends down to station level.

- 1) According to the Free Press report, already cited, Cunningham only has an active television station ownership presence in markets where Sinclair is prohibited by rule from owning additional stations. The Cunningham stations all have LMA's with Sinclair. When the opportunity arises, Cunningham sells its stations to Sinclair. Sinclair, as noted, was rejected by the FCC in its bid to buy WBSC. Legal action on that question is apparently ongoing in South Carolina.
- 2) The studios for both WLOS and WBSC are located at 110 Technology Drive in Asheville, NC. The building is signed as housing both stations. The telephone operator there answers the phone, "WLOS, WBSC."
- 3) WBSC, though licensed in Anderson, SC, has a public mailing address at 100 Verdae Blvd. in Greenville, SC 29607. This same address is listed on the WLOS website as the address of its South Carolina office.
- 4) As of October, 2004, the stations also shared management. The General Manager for both stations was Jack Connors. Other shared managers included General Sales Manager, Audra Swain; National Sales Manager, Tracey Bazon; and Business Manager, Darrell Rhoden.
- 5) WLOS and WBSC file a joint annual EEO Public Report (3).
- 6) The websites for both stations are within a Sinclair shell. As of October, 2004, there was a link on the WBSC homepage for those wishing to contact Sinclair, but not one to contact Cunningham or Anderson.

Taken together, these facts demonstrate that at station level, there is little except the network affiliation, ABC vs the WB network, which distinguishes the management of WBSC and WLOS. We believe that this combined evidence of tight connections at both the corporate and station levels indicates that Cunningham is, in effect, a Sinclair company of convenience and is, therefore, not entitled to own a broadcast television station in the Greenville-Spartanburg-Asheville-Anderson media market. Accordingly, we hope you will reject Cunningham/Anderson's application for the renewal of WBSC's license.

Sincerely;

Michael Hopping

Wally Bowen

and the attached list of concerned citizens

Sinclair Media Watch, a division of Citizens for Media Literacy  
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(828) 255-0182

cc: Jack Connors, General Manager  
WBSC TV  
110 Technology Drive  
Asheville, NC 28803

#### Sources

- 1) FCC document, released 2/27/2004 Re: Applications for Assignment of License/Transfer of Control of Televisions Stations etc. <[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-04-570A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-04-570A1.pdf)>
- 2) Sinclair And The Public Airwaves: A History Of Abuse, available through <<http://www.sinclairwatch.org>>
- 3) available through the WLOS website <<http://www.WLOS.com/>>