

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)

In re Application of)
NBC Telemundo License Co.) BRCT-20041001ABM
for Renewal of WTVJ, Miami Florida)

REPLY TO OPPOSITIONS TO PETITIONS TO DENY RENEWAL

The United Church of Christ (“UCC”) respectfully responds to the oppositions submitted in these two proceedings by NBC Telemundo License Co. and CBS Television Stations, Inc.¹

INTRODUCTION

As UCC has set forth in its *Petitions to Deny*, UCC has embarked on an identity campaign in which national TV advertising is an integral part.

Notwithstanding the refusal of the CBS and NBC networks to carry all of its advertisements, UCC’s “God is Still Speaking” theme has far exceeded expectations. UCC congregations have reported unprecedented response. The letters in Exhibit A show that the “God is Still Speaking” campaign has motivated existing members of UCC congregations,² has generated many new members,³ and changed lives.⁴ According to the Rev. Robert Chase, Director of Communication of

¹By letter dated January 24, 2005, counsel for UCC submitted an uncontested request for a one week extension of time, through and including February 7, 2005, within which to submit this reply.

²For example, the Emmaus United Church of Christ in Vienna, VA reports that its 280 member congregation raised \$2500 for a local campaign over just a few days.

³For example, the Pilgrim Congregational Church in Cleveland, OH reported that, since the campaign began, Sunday morning attendance has risen from 230 to 275, and that it “will have received over 15 new members as well.” The United Church of Christ of Chapel Hill (NC) reported that attendance rose from 384 to 519 in one month, and that the congregation recorded at least 30

the United Church of Christ, visitors to UCC's website tripled during the "God is Still Speaking" TV ad campaign. *See* Exhibit B.

It is of particular significance to this petition that the same advertisements that the CBS and NBC networks rejected have run on more than a dozen TV stations (for test marketing) and several cable networks as well as the Fox network. To the best of UCC's knowledge, there has not been a *single* viewer objection received to date.

CBS states, correctly, that it has "invited UCC to submit the commercial to individual Viacom owned stations, including, WFOR-TV." *CBS Opposition* ("*CBS Opp.*") at 3. This, by itself, means very little; after all, the CBS network also "invited UCC to submit the commercial..." and then declined to carry it. More fundamentally, however, as UCC explained, *WFOR-TV Pet.* at 3, n. 2, the issue here is the practices of the commonly owned CBS network, not the individual stations. UCC has attempted to mount a national campaign, and it is impossible to do this effectively without using the major national networks. As the Commission has found,

Network advertising provides audience reach unmatched by any other broadcasting medium. No single cable channel today provides the audience reach of any television network. Only network television is a *mass-distribution* venue for programming and advertising, notwithstanding the continuing erosion of network television audience attributable to the growth of cable and DBS viewership.

Amendment of Section 7658(g) of the Commission's Rules, 11 FCCRcd 11253, 11257 (2000) (footnotes omitted) (emphasis in the original). UCC seeks to reach specific audiences and demo-

new members during that period.

⁴The First Congregational, United Church of Christ in Boulder, CO, reports that the "God is Still Speaking" campaign has brought immense relief to a man who recently had a stroke.

graphics. *Cf., Becker v. FCC*, 95 F.3d 75 (D.C. Cir. 1996).⁵ In addition, a campaign like UCC's involves cross-promotion, in which the broadcast of TV ads at particular times is publicized, and members are urged to watch. This cannot be done effectively when ads appear at different times on different stations. Moreover, as UCC has explained, it must take special care as to program adjacencies for its commercials. *WFOR-TV Pet.* at 3, n 2. Since most of the inventory is controlled by the networks, and local stations have often presold certain availabilities to favored local advertisers, many specific time slots can only be obtained through a network buy. And, according to Rev. Chase,

More than fifteen million viewers cannot afford or do not have access to cable television. Our strategy to purchase air time on broadcast networks has been, from the beginning, a question of justice—ensuring that our viewing audience would be as wide as possible. Continued failure to clear this commercial leaves many citizens disenfranchised, limits the service that our congregations can provide to their communities, and runs counter to the broadcast networks' responsibility as stewards of the public trust.

Exhibit B.

In short, UCC's advertising is unobjectionable, and it works. The harm that UCC has incurred from being denied access to the unique reach of major network television is significant.

⁵Discussing the same question as applied to political candidates, the Judge Buckley explained that declining to sell particular time slots is apt to deprive a candidate of particular categories of adult viewers whom he may be especially anxious to reach. It is common knowledge that campaign strategists rely on survey research to target specific voting groups with television advertisements. *See generally* Dan Koeppel, *The High-Tech Election (of 1992)*, Brandweek 18, Mar. 2, 1992. We can surmise, for example, that early shift factory workers whom a candidate wishes to reach are not apt to stay up beyond their normal bedtimes just to see his political advertisements. Thus, the ruling creates a situation where a candidate's ability to reach his target audience may be limited and his "personal campaign strategies ... ignored." *See CBS, Inc. [v. FCC]*, 453 U.S. [367] at 389 [1981].

Id., 95F.2d at 91.

JURISDICTIONAL ISSUES

The two networks raise several issues which, they contend, make it unnecessary to consider the merits of UCC's petition to deny.

CBS, which complains that UCC's petition is "wholly frivolous," *CBS Opp.* at 9, starts with extraordinarily tenuous legal argument. It claims that UCC "cannot meet the requirements of Section 309 of the Act for stating a *prima facie* case" because it has not alleged that CBS has committed a "serious violation of the Communications Act." *CBS Opp.* at 2 and 8 (*citing* 47 USC §309(k)).

This is simply wrong. Section 309(k) sets forth three bases for petitions to deny *in the conjunctive*. To grant an application, the Commission must find that there have been no serious violations of the Act or the FCC's rules, that there is no pattern of abuse in such violations *and* that "the station has served the public interest, convenience and necessity." Clearly, then, UCC need only show that the applicants have not shown that grant of their applications is in the public interest. There are innumerable circumstances that would support such a finding even though there is no specific violation of a particular agency rule or policy. For example, the Commission could find that an applicant lacks the requisite character to serve as a broadcast licensee. *Contemporary Media, Inc. v. FCC*, 214 F.3d 187 (D.C. Cir. 2000). This is not a "violation" of the Communications Act, but it does preclude the Commission from making the finding required by 47 USC §309.⁶ Similarly, the Commission may be unable to make the necessary public interest finding where an applicant is otherwise in compliance with relevant local ownership rules but has attained an excessive share of the local advertising market. *See Air Virginia, Inc.*, 15 FCCRcd 5423, 5428 (2002) (designating hearing

⁶47 USC §308(b) requires applicants to file information pertaining to their character. An applicant lacking requisite character does not "violate" Section 308 so long as it truthfully provides the necessary information. Its disqualification is part of the Commission's public interest determination under Section 309(k).

where applicant was in compliance with local ownership rules but would obtain excessive control of the local advertising market).

CBS, joined by NBC, also ventures the plainly incorrect claim that conduct of a network is not cognizable in considering the application for renewal of one of its owned-and-operated stations. *CBS Opp.* at 2; *NBC Opposition* (“*NBC Opp.*”) at 5. CBS is well aware that the Supreme Court has held that the conduct of a network is “reasonably ancillary” to the effective enforcement of the Communications Act to individual licensees. *CBS, Inc. v. FCC*, 453 U.S. at 391 n. 14. Moreover, while Section 309(k) requires the Commission to make findings “with respect to that station” for which the application was filed, the Commission has repeatedly held that the conduct of network management officials, and specifically CBS officials, “can fairly be attributed to the licensee. *Serafyn v. FCC*, 149 F.3d 1213, 1221 (D.C. Cir. 1998) (citing *Hunger in America*, 20 FCC2d 143, 150 (1969), a case involving a CBS documentary). *See also, Faulkner Radio, Inc.*, 88 FCC2d 612 (1981) (establishing precedential criteria for determining when misconduct at one station bears on a licensee’s fitness to retain its other stations).

CBS also contends that it is inappropriate for the Commission to establish policy in an adjudicatory case, and that the issue UCC has raised is best considered in a rulemaking. This is simply not germane to the issue immediately before the Commission, which is whether these applications can be granted on the basis of the record. It is probably true that, in the event that the Commission finds that the current applications are not in the public interest, the Commission would do well thereafter to use its policymaking powers to give guidance for applying such a precedent.⁷

⁷Indeed, that is precisely what the Commission did in assessing the basic qualifications of licensees whose character has been placed at issue:

For many years, the FCC had no express policy concerning the character qualifications of its applicants;...and as a consequence its evaluations sometimes yielded inconsistent results. *See Policy Regarding Character Qualifications in Broadcast Licensing*, 87 FCC2d 836, 836-37

Finally, NBC argues that adoption of the remedy UCC seeks would improperly give voice only to those with deep pockets. *NBC Opp.* at 8. Given the difficulties UCC has faced in raising money for its identity campaigns, the notion that UCC has deep pockets is odd. That aside, the argument is a really just another policy matter relating to how the FCC implements its decisions, rather than a limitation on the Commission's power or duty to act. Moreover, it is well within the discretion of NBC and others to address this problem by giving free time for the discussion of issues as necessary to assure that the public is not left uninformed. And it is clear that the Commission has the authority to include such a provision in any policies it may subsequently adopt as it refines its access policies. *See Cullman Broadcasting Co.*, 40 FCC 576 (1963).⁸

THE MERITS

CBS and NBC quibble with UCC's legal argument, but they do not confront it directly. In particular, they do not disagree with the core of UCC's argument, namely that no FCC or judicial authority has addressed the right to purchase time "for the carriage of controversial issues under the public interest standard in the absence of the Fairness Doctrine." *WFOR-TV Petition* at 5, *WTVJ Petition* at 5.

The crux of UCC's argument is that the Supreme Court's decision in *CBS v. DNC* was predicated on the existence of the Fairness Doctrine, and that the Supreme Court contemplated that there

(1981) (notice of inquiry). The Commission responded to this problem in 1986 with the adoption of a comprehensive character policy statement. *See Policy Regarding Character Qualifications in Broadcast Licensing*, 102 F.C.C.2d 1179 (1986)....
Contemporary Media, Inc. v. FCC, 214 F.2d at 191-192.

⁸NBC's suggestion, *NBC Opp.* at 13, n. 36, that UCC's petition raises an establishment clause issue does not merit serious discussion. Viewpoint neutral policies do not raise First Amendment problems. Surely, NBC would not suggest that the Commission is unable to award licenses to religious institutions. It follows that the sale of time to a religious organization similarly would not violate the establishment clause. *See also, 1960 Programming Statement*, 44 FCC 2303, 2314 (1960) (recognizing that religious programming is an element of service in the public interest).

is room for Congress or the FCC to establish limited access rights. *WFOR-TV Petition* at 8; *WTVJ Petition* at 8 (both citing *CBS v. DNC*, 412 U.S. 94, 131).

CBS argues that the Fairness Doctrine was not essential to the Supreme Court's holding in *CBS v. DNC*. As proof, it refers to the fact that the Supreme Court noted that Congress had "time and again" refused to provide access rights in the 1934 Act. *CBS Opp.* at 7. This hardly proves CBS' point, as can be seen from the two sentences following the phrase it quotes. The entire passage reads as follows:

As we have seen, Congress has time and again rejected various legislative attempts that would have mandated a variety of forms of individual access. That is not to say that Congress' rejection of such proposals must be taken to mean that Congress is opposed to private rights of access under all circumstances. Rather, the point is that 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.

CBS v. DNC, 412 U.S. at 122. The issue here is whether the FCC has the power to create an access right, not whether Congress has previously provided such a right. As this passage shows, the Supreme Court clearly contemplated that the FCC has the "flexibility to experiment with new ideas as changing conditions require." UCC's contention is that non-enforcement of the Fairness Doctrine is such a "changing condition," and that the FCC has the power to remediate the damage UCC has faced by "experimenting" with a new access right.

NBC makes a similar argument, stating that Congress refused to require that "broadcast facilities should be open on a nonselective basis to all persons wishing to talk about public issues." *NBC Opp.* at 7 (citing *CBS v. DNC*, 412 U.S. at 105). It notes that Congress has refused to make broadcasters common carriers. *Id.*

This proves far too much. The access rights which Congress declined to provide were common carriage rights. *CBS v. DNC*, 412 U.S. at 106-109. UCC is not asking for a broad "nonse-

lective” access right. Rather, it seeks a limited and highly targeted access right directed at the narrow circumstance when a broadcaster shuts off discussion of an issue which goes to the heart of its responsibilities to its community of license. And it most certainly is not asking for a common carriage scheme; UCC’s argument is tied to the parent company’s obligation to give close scrutiny to its programming practices and the exercise of discretion to assure that the community’s needs are met. This is the antithesis of common carriage.

With respect to NBC’s suggestion, *NBC Opp.* at 13, that UCC’s suggested approach presents First Amendment problems, the fact is that it is the failure to afford access to UCC that limits UCC’s First Amendment rights to speak and to be heard. It is particularly troubling that NBC, which is licensed to serve as a proxy for the entire community, refused to air UCC’s advertisement because it “concluded that the ‘Night Club’ ad *inappropriately* suggested that churches other than the UCC are not open to people of diverse races and backgrounds.” *NBC Opp.* at 2 (emphasis added).

CONCLUSION

Wherefore, the Commission should recognize a limited right of access under the circumstances presented here, designate a hearing to consider whether grant of the WFOR-TV and WTVJ renewal applications are 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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February 7, 2005

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Media Access Project
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Counsel for the United Church of Christ

EXHIBIT A



January 31, 2005

UNITED
CHURCH
OF
CHAPEL
HILL

1321 Airport Road,
Chapel Hill, NC 27513
919.942.3540
ucch@unitedchurch.org
www.unitedchurch.org

Pastors
Jill & Richard Edens

Associate Pastor
Heather Dillashaw

*Director of
Children's Ministries*
Susan E. Steinberg

*A Congregation of the
United Church of Christ*



Ms. Barb Powell
United Church of Christ - PIC
(Proclamation, Identity, and Communication Ministry)
700 Prospect Ave E
Cleveland, OH 44115-1100

Dear Ms. Powell:

United Church of Chapel Hill is grateful to the larger church for the Still Speaking Initiative and particularly the advertising that our community experienced last Lent and then again during Advent. The "bouncer ad" clearly spoke to people and, metaphorically, to a real or perceived past experience of a religious community.

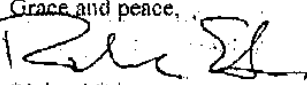
The expression of tolerance and inclusion as a religious value was received well by our congregation and the community. The ad was well received by members of the congregation and became the catalyst for conversations with friends, neighbors and colleagues. We crafted bus posters to accompany the television advertising that were well-received. The attached editorial from the community newspaper, The Chapel Hill News, may express the community's reception of the bouncer better than I can.

We gather information every Sunday in order to be hospitable to those who worship with us and to recognize trends within our common life. Recognizing that the offering of one's name is voluntary and the counting by the ushers is not exact, our Sunday worship attendance during the four Sundays of Advent (2004) was as follows:

Sunday	Nov. 28	Dec. 5	Dec. 12	Dec. 19
Total attendance	384	481	521	519
Members	289	388	410*	415
First-Time Attenders	16	9	22	7
Friends	66	79	74 *	85
Guests	13	5	15	12

* On December 12, 30 persons who previously would have been recorded as Friends united in membership thus they are now counted as Members.

Once again, thank you for the positive impact of the identity campaign. Our congregation was appreciative of this campaign.

Grace and peace,

Richard Edens

To Believe Is To Care, To Care Is To Do

Editorial, December 5, 2004

Chapel Hill News

The most chilling thing about the rejection by national networks NBC and CBS of commercials for the United Church of Christ is the reason articulated by CBS.

According to the national UCC office, CBS provided this written explanation: "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."

This explanation is astounding (1) because the Viacom-owned network seems to be blatantly nodding to the wishes of the "Executive Branch," and (2) the commercial says nothing at all about gay marriage. The reasoning makes a leap that is completely out of bounds.

NBC, owned by General Electric, described the ad as "too controversial."

The scene: Bouncers stand at the door of a generic church welcoming some people in and turning away others. Among those turned away are two men holding hands. Others include a young black girl, a Hispanic man and a person in a wheelchair.

The image gives way to the message: "Jesus didn't turn people away. Neither do we."

According to the Rev. Rick Edens of the United Church of Chapel Hill, the target audience for this ad is people who feel unwelcome in any church for whatever reason. It is based on responses of non-churchgoing people in focus groups.

The UCC denomination has a long-standing tradition of inclusiveness. It has been out front, both in terms of the Civil Rights struggle of the '60s and in the gay/lesbian struggle now in the forefront. Its logo is "That they may all be one."

In this community, United Church of Chapel Hill has carried out that mission in a number of ways, including providing a home for a Hispanic congregation and forming a gospel choir with a black church in Durham. Its membership includes people of color and openly gay and lesbian members. It hosts inter-faith services and strives to inform its members about the tenets of other faiths, including Muslim.

In a 30-second spot intended to define the character and distinction of the denomination, United Church of Christ naturally reflected one of its most defining qualities. It should be allowed to do that.

This action of the national networks follows the decision of local NPR affiliate WUNC not to accept the language of sponsor Ipas as being an organization that protects women's "reproductive rights." That is a definition, not a political statement. Even if it does resonate with some as "abortion rights," those rights do, in fact, exist in this country -- at least for the time being.

For the United Church of Christ to define itself as welcoming of all people, including gays and lesbians, is descriptive, not political.

It's a concern that these organizations are not allowed to represent themselves in language they find accurate when drug companies can hawk one drug as being better than others, without substantiation; when Wal-Mart can describe itself as a caring company to work for, though it has claims against it for discriminating against women. The list is endless.

The self-censorship -- and we have to hope that it is not more than that -- seems to reflect a political and business climate that is highly sensitive to the agenda of the newly empowered right wing. This could be just the beginning.

An interesting aside: The ads were aired in this market and other test markets throughout the country in the spring, with no negative reaction. Following the pattern of other controversial acts of censorship, they've attracted considerably more attention because they won't be seen on NBC and CBS than they would have if they had been aired.

Look for them on the host of cable and other channels -- that will carry them, and decide for yourself. Too controversial?

http://archives.newsbank.com/ar-search/wc/Archives?p_action=doc&p_docid=106D34137192FC15&p_docnum=1&s_dlid=DL0105013116134917045&s_subterm=Subscription%20until%3A%2012%2F31%2F2010%203%3A64%20PM&s_subexpires=12%2F31%2F2010%203%3A64%20PM&s_username=rnc0315

FEB-04-2005 16:07

EMMAUS UNITED CHURCH OF CHRIST

900 EAST MAPLE AVENUE
VIENNA, VIRGINIA 22180

Rev. William T. Federici
SENIOR MINISTER

PHONE: 703-938-1555

FAX: 703-242-8138

WWW.EMMAUSMAC.ORG
billyflax@MAC.COM

Emmaus United Church of Christ is a progressive, inclusive spiritual community located in Vienna, Virginia, serving the greater McLean, Tyson's Corner and Fairfax County area.

Over the past year and a half, the congregation has done an intensive and intentional examination of how we embody the ethos, practice and theology of the United Church of Christ. Many of our members have served the larger Church at Association and Conference levels. Here are some facts and observations regarding our involvement with the Still Speaking Initiative.

The congregation has been proud that I have been the Coordinator for the Still Speaking Initiative in Central Atlantic Conference, urging me to spend as much time as necessary to ensure a successful project.

When the television commercials were aired in December, the news that the bouncer ad had been banned on CBS and NBC was greeted with a sense of bewilderment and outrage. In this metropolitan D.C. area, freedom of speech is taken very seriously as many of our members work for government and other agencies.

We "passed the plate" to support the local effort of Potomac Association to run ads and identify pieces in the local press. A 280 member congregation raised \$2500.00 in one Service and a few days.

Since the ad has run, the Membership Committee has been asked to host another Conversation on Membership for the people who have been attending in the late fall. Many of these prospective new members feel swept into a momentum of taking a stand for progressive inclusivity. We have seen many new visitors since December. This class contains over 15 prospective new members.

I have been chairing the Potomac Working Group for Still Speaking as well, as part of my Conference responsibility. A consortium of lay people and clergy have been developing a longer term strategy for communication and identity in addition to ads running in local media. We are also hosting a group website (stillspeakingmetrodc.org) which has experienced many hits during the ad campaign.

Although Emmaus is in a metropolitan area that is fairly "liberal", we are part of a larger Commonwealth which has passed legislation that would seek to discriminate people by sexual orientation on a number of issues. There has been a pride in the commercial which posits an image of a denomination which welcomes all.

As time goes on, there will be more stories and facts to share. The bottom line is that Emmaus United Church of Christ is thrilled to extend an extravagant welcome in the name of the Gospel of Jesus Christ.

Peace to you,

Rev. William T. Federici



Pilgrim Congregational Church

A Just Peace & Open and Affirming Congregation of the United Church of Christ
 2592 West 14th Street • Cleveland, Ohio 44113 • 216.861.7388 • Fax 216.861.0113
 Visit us on the web at pilgrimlive.org

MINISTERS

February 3, 2005

ALL MEMBERS OF THE CHURCH

The Stillspeaking Initiative Ministry
 700 Prospect Avenue
 Cleveland, Ohio 44115

PASTORS

THE REV. DR. LAURINDA HAFNER
 LAURINDA@PILGRIMALIVE.ORG

THE REV. KATHRYN MATTHEWS HUEY
 PASTOR FOR THURSDAY WORSHIP AND
 GLBT MINISTRIES

Dear Friends:

CHILDREN AND YOUTH MINISTRIES

MS. VICKI MCGAW
 VICKIM@PILGRIMALIVE.ORG

PARRISH NURSE

MS. JUDE JOHANSEN, R.N.

CHURCH ADMINISTRATOR

MR. JERRY GUMBEY
 JERRYGO@PILGRIMALIVE.ORG

ASSISTANT TO DR. HAFNER

MS. JOAN MCCOY
 JOANM@PILGRIMALIVE.ORG

HOMES TO

ANTABUS DANCE COMPANY
 216.965.3137

ARTS RENAISSANCE TREMONT
 216.861.4887

FULL CIRCLE THEATRE
 216.736.2180

INTERFAITH HOSPITALITY NETWORK
 FAMILY CENTER
 216.771.9600

KENYRITA DANCE THEATRE
 216.348.3211

NORTHCOAST MEN'S CHORUS
 216.227.0773

MERRICK HOUSE
 SCHOOL, AGR DAY CARE
 216.771.6239

THE GATHERING
 A WELLNESS CENTER
 216.861.7388 EXT. 23

THE UCC COALITION FOR LGBT CONCERNS
 216.861.0779

This letter comes with deep appreciation and gratitude for the amazing revival you have initiated in the life of our church and in our denomination through the God is Still Speaking Campaign. This edgy, creative, and innovative program has brought new life and vitality to our local church, and I sense a real renewal within the United Church of Christ.

At Pilgrim Congregational UCC, an urban congregation in Cleveland, Ohio, where I serve as pastor, we have realized some amazing results that we directly attribute to the campaign. First and foremost, has been the incredible number of visitors that have come to worship with us since the commercials first aired. Our average Sunday morning attendance one year ago was 230 – since the campaign began, we now average 275! Using the new God is Still Speaking pew pads, we are able to determine that many of these first-time visitors have come because they have either seen or heard about the commercials. By the end of this February, we will have received over 15 new members as well.

One of the most interesting benefits however, has been the renewed sense of enthusiasm and appreciation by those who are already Pilgrim members, for the United Church of Christ. There is a deep sense of pride by so many of our members for "their" denomination, that is willing to make such a bold witness for the sake of the gospel of Jesus Christ. I see "God is Still Speaking" t-shirts, bumper stickers, and hats everywhere around Pilgrim! It is truly amazing to watch folks come alive with joy for their church, both locally and nationally.

To say I am a big fan of this campaign, is an understatement. On a very personal note, as a life-long member of the United Church of Christ, I can't think of a time that I have been more proud and more enthused about the denomination. Thank you for bringing such hope, excitement, and revitalization into our church!

Most sincerely,


 Laurinda Hafner

FEB. 7. 2005 9:59AM

NO. 258 P. 1.



Pharmaceuticals

Twelve days ago I received a call from the associate minister at First Congregational, United Church of Christ in Boulder and he asked me to pay a visit to a gentleman in the hospital who had suffered a stroke twelve days prior to his call. I am the chair of the board of spiritual life, a former fundamentalist minister, and help lead up our GLBTQ fellowship.

This gentleman was able to worship with us this last Sunday and is making a wonderful recovery from his medical problems. In the last six months his son was killed in Iraq, his marriage is in the process of ending, and he suffered a stroke while apartment hunting in Boulder to start his new life. He was on assignment as a paralegal in Texas for the past eight months where he saw the commercials that UCC had put out and when he got settled in his new place he wanted to call one of our churches and be apart of a fellowship that would accept him as he is and where he is currently in his journey. He was raised as a catholic and was never able in his religious tradition to be the authentic creation that he is and he saw in the commercials that everyone was welcome in our fellowship. A few days after his stroke (he received amazing medical treatment helped him almost miraculously compared to most stroke patients) he looked up the number to our church and called and said he would love to have someone visit him. The associate minister responded by phone and later in person and then called me to follow up. I see how God works in the most amazing ways. How a commercial seen in Texas and felt in someone's heart, responded to in Boulder, and we are now enriched with another wonderful person on his continued journey with God.

Thank you

A handwritten signature in black ink, appearing to read "John Bisceglia".

John Bisceglia
john.bisceglia@roche.com
Phone 303 938 6660
Fax 303 938 6497

Roche Colorado Corporation 2076 North 55th Street
Boulder, CO 80301-2800

Tel. 303-442-1826
Fax: 303-938-6419

EXHIBIT B



Office of General Ministries A Covenanted Ministry of the United Church of Christ

John H. Thomas, General Minister and President
Edith A. Guffey, Associate General Minister

February 7, 2005

The Collegium of Officers

John H. Thomas
Office of General Ministries

Edith A. Guffey
Office of General Ministries

Bernice Powell Jackson
Justice and Witness Ministries

José A. Malayang
Local Church Ministries

Dale L. Bishop
Wider Church Ministries

This correspondence is to offer a summary report as to the effectiveness of the identity campaign of the United Church of Christ, including its television advertising, which is at the core of the effort.

The response to the "God is Still Speaking," initiative has been unprecedented. Numbers begin to tell the story:

Since launching this effort, our web sites (www.ucc.org and www.stillspeaking.com) have had more than one million visits. 170,000 visitors have used the "find-a-church" feature. In December, while the ads were running, we had 787,056 visits to our web sites; 137,000 used the find-a-church function. By comparison, in November, 230,000 visitors came to our sites and 4,000 used our find-a-church function.

Anecdotal evidence is coming in from all over the country about increases in worship attendance and giving. But numbers only begin to tell the story. Enthusiasm generated within our membership because of this initiative has vitalized our congregations, prompting an outpouring of generosity and service to those in need in the communities in which these congregations are located, and to the wider world.

While the controversy surrounding NBC and CBS's refusal to clear the commercial has brought an increase in name recognition for the UCC, we regret that this refusal has kept countless Americans from seeing our message of extravagant welcome. More than fifteen million viewers cannot afford or do not have access to cable television. Our strategy to purchase air time on broadcast networks has been, from the beginning, a question of justice—ensuring that our viewing audience would be as wide as possible. Continued failure to clear this commercial leaves many citizens disenfranchised, limits the service that our congregations can provide to their communities, and runs counter to the broadcast networks' responsibility as stewards of the public trust.

The Rev. Robert Chase
Director of Communication
United Church of Christ

700 Prospect Avenue, Cleveland, Ohio 44115-1100 ~ Phone 216.736.2100 ~ Fax 216.736.2103
E-mail ogm@ucc.org ~ Web www.ucc.org

CERTIFICATE OF SERVICE

I, Paula Galloway, hereby certify that on this 7th day of February 2005, a copy of the foregoing *Reply to Oppositions to Petitions to Deny Renewal* was served by first-class mail, postage prepaid, upon the following:

Margaret L. Tobey
Morrison & Foerster
Suite 5500
2000 Pennsylvania Avenue, NW
Washington, DC 20006

F William LeBeau
Regulatory Counsel
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