

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

In the Matter of )  
)  
Equal Opportunities Complaint Filed By )  
Nicole Parra Against Pappas Telecasting )  
Companies )

ORDER

Adopted: October 29, 2004

Released: October 29, 2004

By the Deputy Chief, Media Bureau:

1. The Commission has before it a complaint against Pappas Telecasting Companies (Pappas) filed October 29, 2004, by Nicole Parra, a candidate for Assembly member for the 30<sup>th</sup> Assembly District in California. The complainant alleges violation of the equal opportunities provision, 47 U.S.C. Section 315(a), as implemented by the Commission’s rules at 47 C.F.R. Section 73.1941. Complainant also alleges a violation of the Commission’s political file rule, 47 U.S.C. Section 315, as implemented by the Commission’s rules at 47 C.F.R. Section 73.1943. At the Commission’s request, Pappas filed a response to the complaint on October 29, 2004.

2. The complainant asserts that Dean Gardner, an opponent of hers for the Assembly member seat has received “free airtime” from Pappas on KMPH-TV, Fresno, CA; KFRE-TV, Sanger, CA; and KMPH-FM, Hanford, CA and that her attempt to obtain free equal opportunities from these Pappas stations was rejected. Instead, the complainant contends Pappas offered her campaign equal opportunities at the respective stations’ “lowest unit charge.” The complainant asserts that the free time made available to Mr. Gardner was part of an overall gift of time by Pappas to thirteen Republican County Central Committees to be distributed to various Republican candidates at the discretion of the Committees. According to complainant, each Committee was given \$25,000. In its response, Pappas argues that the time furnished to Mr. Gardner should not be deemed to be free time for purposes of Section 315.

3. Based upon the facts that have been presented to us, we find that the broadcast time that has been made available to candidate Gardner was furnished free of charge by the referenced stations. In this regard, we note that the letter dated October 13, 2004, from Pappas Telecasting Companies to the Fresno County Republican Central Committee documenting the airtime gift indicated that the time was being given by “Harry J. Pappas **and my affiliated entities**” (emphasis added). The named entities include the licensees of the stations on which Mr. Gardner appeared. Moreover, nothing in the record before us indicates that the stations on which Mr. Gardner appeared were paid for his use. The Commission has ruled that when a candidate is furnished time at no cost, competing candidates are entitled to receive the same amount of free time in comparable time periods. *Carter/Mondale Reelection Committee*, 81 FCC 2d 409 (1980). Thus, under these circumstances, we find that the complainant is entitled to equal opportunities on the same free basis as her opponent. We emphasize that our ruling herein is limited to the specific circumstances of this complainant’s request for equal opportunities.

4. With respect to complainant's allegation regarding the political file, licensees are not obligated to mail or fax material from the file. See 47 C.F.R. Section 73.3527(c)(2)(i).
5. Accordingly, IT IS ORDERED that the complaint is granted in part, as indicated above.

William H. Johnson  
Deputy Chief, Media Bureau