

**Before the
FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20554

**In re Application of)
KGAN Licensee, LLC) BRCT-20050930ALF
For renewal of KGAN-TV, Cedar Rapids, Iowa)**

20051229 1700

SUPPLEMENT TO PETITION TO DENY RENEWAL

On December 24, 2005, Petitioners caused to be transmitted to the Federal Communications Commission one original and four copies of a Petition to Deny the License Renewal of KGAN-TV along with accompanying affidavits, declarations and exhibits.

This supplement consists of three additional declarations: Vicki Lensing, December 26, 2005 (as Representative, State of Iowa House of Representatives, she is another of the substantial group of state and local elected officials objecting to KGAN-TV's performance), Amanda Balantyne and Ben Byrne of Free Press, December 13, 2005 (additional declarations regarding the recording and transcription of the "Town Meeting on the Future of Media," Iowa City, Iowa, October 5, 2005).

Respectfully submitted,



Trish Nelson, Chair
Iowans for Better Local Television
917 Wylde Green Road
Iowa City, IA 52246
319-337-6563

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1625 K Street, Suite 1000
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202-232-4300

*Of Counsel*¹


¹ As explained in the Petition's opening section headed, "Petitioners Have Standing," Andrew J. Schwartzman is not representing IBLTV as counsel. He did kindly agree to look over this Petition after it was drafted.

CERTIFICATE OF SERVICE

I, Trish Nelson, certify that (a) on the 29th day of December 2005, I caused to be served upon Mike Sullivan, Station Manager, KGAN-TV, by mail, a copy of this Supplement to the IBLTV Petition to Deny, and that courtesy copies of the Supplement were sent by email to KGAN-TV's attorney of record in this proceeding, Kathryn Schmeltzer, the FCC Commissioners, and Donna Gregg, Chief, FCC Media Bureau, and Barbara Kreisman, Chief, FCC Video Division, Media Bureau, in addition to the requisite one original and four copies of the supplement to be delivered to the FCC.

Mike Sullivan, Station Manager
KGAN-TV
600 Old Marion Road NE
Cedar Rapids, Iowa 52402

Kathryn Schmeltzer
Pillsbury Winthrop Shaw Pittman
2300 N Street, NW
Washington DC 20037-1128
kathryn.schmeltzer@pillsburylaw.com



Trish Nelson

December 29, 2005

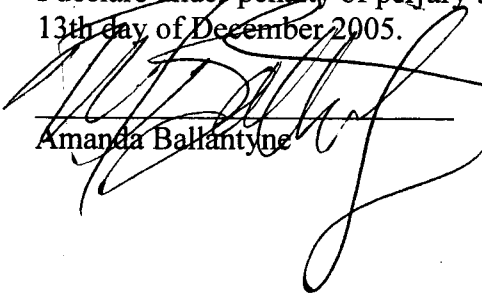
Chair, IBLTV

Declaration of Amanda Ballantyne, Field Organizer for Free Press

1. My name is Amanda Ballantyne. I reside in Northampton, Massachusetts and I am the Field Organizer at Free Press.
2. I was the lead organizer and was present for and involved in all of the arrangements made for the Future of Media Town Meeting in Iowa city, Iowa that was held on October 5, 2005.
3. I was present in the room when Amy Johnson Boyle gave her comments during the Future of Media Town Meeting in Iowa City, Iowa around 8:30pm on October 5, 2005 and I attest that the transcript of the event accurately reflects Ms. Johnson Boyle's Comments.
4. Several days prior to the meeting, I made an arrangement with Amanda Vinicky of WSUI Radio to record the Future of Media Town Meeting in Iowa City, Iowa that was held on October 5, 2005.
5. I was present at the Future of Media Town Meeting in Iowa City, Iowa on October 5, 2005. I met Ms. Vinicky at the beginning of the event and observed that she was, in fact, recording the hearing on a digital recording system. I then made arrangements to pick up copies of the audio recordings either directly after the event, or early the next morning.
5. I picked up three audio CDs from WSUI Radio early on the morning of October 6, 2005. These CDs contained the recording of the event and several radio news stories that WSUI had done on the hearings.
6. Several days later, after I had returned to Massachusetts, I asked my co-worker, Ben Byrne, Creative and Technical Director for Free Press to transfer the audio files from the CDs that I had picked up from WSUI to MP3 files so that we would be able to post them on the Free Press website and send them to our Translator, Marie Bertallot, Acacia Languages in Leyden, Massachusetts.
7. Mr. Byrne created the following MP3 files, and posted them on the Free Press website:
 - iowa_intro.mp3, iowa_panel1.mp3, iowa_panel2.mp3, and iowa_testimony2.mp3
 - iowa_testimony.mp3
8. I have listened to those audio files and attest that Mr. Byrne did not change, edit or omit any of the content of the recordings.
9. I made arrangements with Marie Bertallot of Acacia Languages in Leyden, Massachusetts to transcribe the audio files.

10. Once Ms. Bertallot returned the transcript to me, I formatted the transcript, added page numbers, line numbers and a title page and table of contents. I did not change, edit, omit or alter the content of the transcript in any way other than the ways I have described above. I then turned the transcript into a PDF Document that could not be altered or change and shared that PDF with Nicholas Johnson.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of December 2005.


Amanda Ballantyne

Dec. 13, 2005

Declaration of Ben Byrne, Creative and Technical Manager of Free Press

1. My name is Ben Byrne. I reside in Greenfield, Massachusetts and I am the Creative and Technical Manager at Free Press.

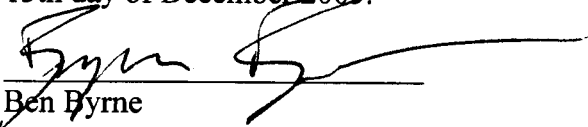
2. I received three audio CDs from Amanda Ballantyne, Field Organizer for Free Press. (presented as the audio recording of what was said by those participating in the "Town Meeting on the Future of Media" held in Iowa City, Iowa on October 5, 2005.

3. I converted the files on these audio CDs to mp3 files. I did not change or in any way alter or delete any of the content of the audio files as I converted them to the following files.

- iowa_intro.mp3, iowa_panel1.mp3, iowa_panel2.mp3, and iowa_testimony2.mp3
- iowa_testimony.mp3

3. I posted the entire content of these audio files on the internet at the address www.freepress.net/future/=iowacity.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of December 2005.


Ben Byrne

Declaration of Rep. Vicki Lensing
Iowa State Legislature, House District 78
Regarding KGAN-TV

My name is Vicki Lensing. I am a lifelong resident of Iowa City, Iowa. I presently am serving my third term as a legislator in the State of Iowa House of Representatives.

My residence as well as that of all my constituents is within the over the air or cable carriage viewing area of KGAN-TV in Cedar Rapids, Iowa. As a public official, I often view and otherwise am aware of the programming of KGAN-TV.

Based on my viewing, printed TV schedules and other information provided to me, it seems to me that KGAN-TV provides its viewers – including my constituents and myself - virtually no significant public affairs programming whatsoever regarding the major issues, challenges, concerns and opportunities confronting my House District and the surrounding area. The station offers no regularly scheduled half-hour or hour-long public affairs documentaries or discussion programs. Neither does the station provide any community programming for the examination of community issues.

It is impossible to address such important and sometimes complicated subjects in 15 second sound bites on local news. But there are few, if any, such attempts made by the station to cover these issues. KGAN-TV's *local news* is dominated with commercials, nationally distributed material from Sinclair's "News Central" (including Sinclair executive Mark Hyman's "The Point" opinion piece – with no opportunity for a counter-point piece) and material from the network which it is affiliated (CBS). This includes promotional items for its network programs, sports and weather. The few genuine *local news items* that are aired emphasize the dramatic and sensational, such as crimes, auto accidents, child abductions, fires and disasters.

My ability to serve and function effectively as a democratically elected public official is substantially impeded by KGAN-TV's failure to serve its viewing area, its failure to offer me and my constituents the quantity, quality and diversity of information and opinion necessary to a fully functioning democracy. Citizens and their elected officials rely on television for information – perhaps more than they should – but with the immediacy of reporting due to technological advances, many of us turn to television as our news source. For a variety of reasons, newspaper readership is declining and many individuals do not have access or inclination to spend time on the Internet looking for news items. It has been said that "with great power goes great responsibility;" television has both that power and that responsibility! However KGAN-TV is failing to exercise it.

As a result, despite that Iowa has some of the best schools and highest educational levels in the country, participation in school, city and other local elections sometimes hovers around 5 to 10 per cent of eligible voters. Local forums for discussion of issues or to spotlight candidates and their views are neither publicized, televised nor well attended.

Conversations with constituents reflect their lack of knowledge on an issue and their misinformation or disinterest due to lack of sufficient information. This makes it very difficult for elected officials like me to receive feedback without the input of the public.

KGAN-TV fails to provide adequate coverage of local election campaigns and the serious issues they involve. My concern is the station's inadequate or nonexistent coverage of all candidates, their issues, news conferences, forums and other appearances – aspects of election campaigns other than the “horse race.”

Likewise once a candidate has been elected and begins to work on issues that effect the local area, there is no coverage. This list is but a short sampling of issues that have local impact and concern:

- a.) **Jobs and economic development.** My constituents need to know about the public policy issues and reasons underlying why it has taken Iowa four years to return to employment levels the state enjoyed in 2001. There is understandable concern of parents as well as employers about the so-called “brain drain” – why so many of our educated young people leave the state for better job prospects elsewhere. Iowa's business climate is also misunderstood – the contribution of manufacturing to Iowa's economy is six times that of agriculture.
- b.) **Poverty and social issues.** Roughly one in ten Iowans are under the poverty level, with no health insurance and unable to provide food for their families without assistance. Without constituents understanding of these numbers and the causes that produce them, it is difficult to find support for solutions or even the temporary assistance that these people need to live.
- c.) **Education.** Iowans place a high priority on education yet there are concerns about student achievement, standards for preparing all children for the 21st century and continuing their education beyond the 12th grade, affordability for Iowans attending our community colleges and state universities and teacher quality. (Iowa's teacher's salaries have dropped to an all time low – 41st in the nation.)
- d.) **Healthcare.** Many Iowans are worried about affordable healthcare and the increasing cost of prescription drugs. Small businesses are equally concerned about the rising cost of healthcare and many are not able to continue to provide these benefits to employees.
- e.) **Environmental issues.** My constituents are deeply concerned about the air and water quality in Iowa. While they understand that Iowa has an industrial, service and information technology economy, they also know agriculture continues to play a major role. But they are concerned about chemical runoff and herbicides not to mention large commercial hog lots contributing to the pollution of Iowa's ground waters, lakes, streams and rivers.
- f.) **State and local budget, taxation and other financial issues.** Iowans need to understand that taxes pay for many of the services we all need and enjoy – from roads to education to healthcare to economic development. However building consensus on how the state and local governments develop budgets and finance these services that Iowans have come to rely upon and expect is difficult if not

sometimes impossible. It is imperative that Iowans understand the complexities of the use of public money and it is incumbent upon the media to report and explain this to its viewing public.

Each of these issues and dozens more of equal importance need to be understood by constituents, at least to a minimal degree, if I as an elected legislator am to have meaningful conversations with them, encourage public participation and make decisions reflecting the will of the people. KGAN-TV has failed in their role and responsibility to help them in this regard.

I declare under penalties or perjury that the foregoing is a true and correct statement of my opinion and the information available to me.

Executed this 26th day of December, 2005.



Vicki Lensing
Iowa State House of Representative, House District 78
2408 Mayfield Rd.
Iowa City, IA 52245