

August 20, 2023

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street, N.E.  
Washington, DC 20554

Re: Informal Objection of Alfred C. Sikes  
Application for Television Station License Renewal  
FOX Television Stations, LLC  
WTFX-TV, Philadelphia, Pennsylvania  
[LMS File No. 0000213362](#)

Dear Madam Secretary:

At first, I didn't know whether it was perfunctory or probing. I had just signed a contract to buy KLGT FM licensed to Breckenridge, Colorado. Quickly I filed an application with the Federal Communications Commission (FCC) to seek approval as a licensee so I could begin operating the station.

The application for the transfer of ownership required me to operate the station in the "public interest"— that was the law.

I promised.

I filed that application in 1977. I was sworn in as FCC Chairman in 1989, twelve years later, still wondering whether operating in the "public interest" was just some bureaucratic construct or a legally enforceable requirement. The truth is, the answer is still elusive.

There are, of course, complaints about TV and radio content. Most often the defense to an allegation that a broadcaster has violated the "public interest" obligation in program content is that the First Amendment to the Constitution, guaranteeing free speech, protects the licensee.

Several weeks ago, I became aware of a challenge to the renewal of the license of WTFX-TV, in Philadelphia, Pennsylvania. It is owned by Fox Television Stations and its parent is Fox Corporation (controlled by the Rupert Murdoch family). The challenge distilled is: Fox lied repeatedly. (Fox would include both its cable channel and broadcast stations, because Rupert Murdoch and his family control them all.)

The charges stem from news and commentary in the aftermath of the 2020 election won by President Joe Biden. The petitioners, residents of the broadcast coverage area of WTXF, who are supported by the Media and Democracy Project, ask the FCC to deny the renewal of the station license. They allege

“Fox knew that guests on their shows were questioning the truth. For example, on November 19, 2020, Tucker Carlson a FNC host texted Laura Ingraham, another FNC host, that ‘Sidney Powell is lying by the way. I caught her. It’s insane.’ Ms. Ingraham responded: “Sidney is a complete nut. No one will work with her. Ditto with Rudy.”

“Despite everyone knowing the truth, FOX continued to broadcast knowingly untrue news stories, supported by unreliable and untruthful guests. This was done entirely for financial gain. FOX was worried about a loss in audience and revenues. It knew that what it was broadcasting was not true. It also knew, or should have known, that it was causing tremendous damage to the country.”

It is of course no secret that much of what we think of as the media is owned by big companies who often have an amalgamation of stations, networks and cable channels, often feeding each other.

It is also no secret around Washington that when it comes to sanctioning licensees the FCC is essentially “all hat, no cattle”. Defenders of fecklessness argue that any penalty imposed because of station content at least flirts with the government censoring free speech. In short, these defenders say speech can be outrageous but nonetheless the speaker is free from government intervention.

A predecessor of mine equated a TV to a toaster with pictures. His colorful description was intended to say the FCC had no intention of “regulating speech” any more than elsewhere in the government an agency might choose to regulate the browning of a piece of bread. Without saying so his view was that the FCC has no interest in the meaning or effect of the requirement to operate in the “public interest”.

As Chairman of the FCC I opposed the advocacy of those who, for competitive reasons, tried to block Rupert Murdoch’s efforts to launch Fox Broadcasting Company – the long sought fourth Network. And I have been a listener/viewer off and on with notable exceptions to Fox News. It is in the promotion business. It has a decided point of view and pushes it. It has hired either true believers or good actors to make sure its airways push the desired narrative.

Interestingly a number of conservative commentators have chosen to cease being Fox news contributors because they would not promote a point of view regardless of the underlying facts. It is noteworthy that Fox declared Biden the winner in 2020; it was after all paying expert analysts to parse data to help it project winners and losers. And then much of its prime-time news coverage and opinionators fell in behind the Donald Trump version, not the

Fox version of the outcome. They choose fiction over non-fiction to make many of its listeners and viewers happy. They knew the facts and decided to ignore them.

I repeat. The FCC has allowed the pledge to operate in the public interest to become perfunctory at best. If the public interest means anything, the FCC must designate for a hearing the application of the Murdoch's and Fox for renewal of their license to operate Station WTXF, Philadelphia. That application should be closely scrutinized in public hearings and court rooms.

Respectfully submitted,

/s/ Alfred C. Sikes .  
Alfred C. Sikes  
Former FCC Chairman (1989-1992)

cc: Counsel for the parties to LMS File No. 0000213362