

Council candidate George E. Cooley in good faith in order to provide adequate time for Cooley to respond to KING editorials.

The Commission telegram notifying KING of the decision follows:

Mr. GEORGE E. COOLEY,
Seattle, Wash., October 31, 1967.

KING BROADCASTING COMPANY,
Licensee of Station KING,
Seattle, Wash.:

The Commission has today considered your petition for review of the ruling of October 27, 1967, in the matter of the complaint of Mr. George E. Cooley. This ruling found that your offer of response time to Mr. Cooley was not in full compliance with Section 73.123 of the Commission's rules and regulations and requested you to negotiate in good faith with Mr. Cooley concerning adequate response time.

In accordance with the Commission's rules, the licensee may make a good faith judgment as to what constitutes a "reasonable opportunity to respond" in the particular circumstances of each case. In this instance, the station has made a determination to broadcast editorials of 20 seconds duration urging the election of the candidates supported by your station and has determined to broadcast these editorials on 24 occasions. It follows that in making a judgment as to what constitutes a reasonable opportunity for response, the station must give consideration both to the amount of time directed to each candidate and to the frequency of the announcements (which involve the factors of effective repetition and the reaching of possibly different audiences). No question has been raised concerning your determination to allot 120 second of response time per candidate. Mr. Cooley's complaint goes directly, however, to your determination as to what constitutes an adequate number of responses.

Although you have decided to broadcast an editorial campaign in which you reach the audience 24 times with your editorial endorsement of selected candidates, you have offered Mr. Cooley an opportunity to reach that audience on only 6 occasions—a disparity of 4 to 1. While Mr. Cooley has requested opportunity to make additional responses, you have denied this request without advancing any basis upon which the Commission can make a judgment that this restriction is reasonable. For example, it is not alleged that a 10-second announcement, resulting in 12 opportunities to reach audiences appropriately characterized as early daytime, daytime, prime time (as you have done in the case of the six announcements), is not feasible, and indeed, based upon the Commission's experience, the 10-second spot is oft-times used in political campaigns.

Your reliance on the *Massart* ruling is misplaced. As the Commission there stated, the delineation of both the total amount of time to be afforded for response and the frequency of presentation is a matter for good faith, reasonable judgment by the licensee and negotiation with the candidate involved. Thus, in the case of a 120 second allotment of time, some candidate's may propose to have only two announcements but with the longer time period of 60 seconds each to develop some particular issue; Mr. Massart accepted 6 with 20 seconds duration. Mr. Cooley, on the other hand, has opted for greater frequency and as stated, no reason appears to support your judgment that Mr. Cooley or his spokesman should not be afforded greater frequency of response in these circumstances.

In view of the foregoing, your petition for review is denied.

By Direction of the Commission:

BEN F. WAPLE, *Secretary.*

Action by the Commission, November 1, 1967. Commissioners Lee, Cox, Wadsworth, and Johnson.

Federal Communications Commission
(Public Notice—B—September 19, 1967)

KING, SEATTLE, WASH., ORDERED TO AFFORD CITY COUNCIL CANDIDATE REASONABLE OPPORTUNITY TO RESPOND TO EDITORIALS

King Broadcasting Company, licensee of station KING, Seattle, Washington, has been ordered to give a candidate for the Seattle City Council reasonable opportunity to reply to KING editorials. The action, taken in a telegram to the licensee, followed a fairness complaint by the candidate, Clarence F. Massart. Mr. Massart had complained to the Commission that KING AM, FM and TV