ANGELA MORALES
PO BOX 1225
ELKO, NV 89801

3/05/08

Marlene Dortch, Secretary
Federal Communications Commission
445 12th St SW
Washington, DC **20554-0005**

FORMAL COMPLAINT

This is a formal complaint against a Broadcast Licensee for willful violation of Section 1464 of Title 18, United States Code. There was broadcast material that was in violation of law because of obscene, indecent, or profane programming.

The complaint concerns the broadcast material on:

NETWORK: NBC and Affiliate Stations

STATION CALL LETTERS: **KENV**
Community of License: **ELKO, NV**
FACILTY ID: **63845**

PROGRAM TITLE: Las Vegas
BROADCAST DATE: February 15, 2008
BROADCAST TIMES: 9:00 PM PST

Documentation of the indecent material on which my COMPLAINT is based is provided below. A copy of the video has already been filed with the FCC and is available from: **Parents Television Council**, 707 Wilshire Boulevard #2075, Los Angeles, CA 90017.

Documentation ----------

Three girls gather together in the center of the casino floor and begin to disrobe. They strip until they are naked then begin running around the casino. In the security office, the girls can be seen on the television monitors running around the casino naked. Their buttocks are visible, and only shadows obscure their breasts and groins.

End Documentation ----------

Complainant also believes that such broadcast material is patently offensive:

(a.) The material describes or depicts sexual or excretory organs or activities
(b) It is patently offensive as measured by contemporary community standards for the broadcast medium and thus apparently indecent.
(c) Especially offensive because it was broadcast at an hour when millions of children were watching between 6 a.m. and 10 p.m.

Section 1464 of Title 18, United States Code, prohibits the broadcast of obscene, indecent, or profane programming. The FCC rules implementing that statute, a subsequent statute establishing a "safe harbor" during certain hours, and the Act prohibit radio and television stations from broadcasting obscene material at any time and indecent material between 6 a.m. and 10 p.m. The indecent material was broadcast within the 6 a.m. to 10 p.m. time frame relevant to an indecency determination under section 73.3999 of the Commission's rules.

For the reasons above stated, Complainant urges the FCC to exercise its responsibility to enforce the existing law against indecency on broadcast TV between the hours of 6 a.m. and 10 p.m. (Title 18, U.S. Code, Section 1464) by levying severe sanctions against the broadcasters of this program.

Complainant requests that since the broadcast television licensee willfully violated the law that it be liable to the United States for a forfeiture penalty. The legislative history to Section 312(f)(1) clarifies that this definition of willful applies to both Sections 312 and 503(b) of the Act, and the Commission has so interpreted the term in the Section 503(b) context.

The fact that Broadcast Licensee may not have originated the programming in question is irrelevant to whether there is an indecency violation. See Review of the Commission's Regulations Governing Programming Practices of Broadcast Television Networks and Affiliates, Notice of Proposed Rulemaking, 10 FCC Rcd 11951,11961, P 20 (1995)

Complainant requests the maximum monetary forfeiture statutory penalty amount against the Licensee for broadcasting indecent material in apparent violation of 18 U.S.C. S: 1464 and Section 73.3999 of the Commission's rules.

Complainant certifies that, to the best of my knowledge and belief, all the information on and attached to this affidavit is true, correct, and complete and made in good faith.

Complainant also certifies a true and correct copy of the foregoing document is being served this day on the licensee of record in the manner specified, via US regular mail, postage prepaid.

Sincerely,

ANGELA MORALES
PO BOX 1225
ELKO, NV 89801

Cc:
RUBY MOUNTAIN BROADCASTING COMPANY
1500 FOREMASTER LANE
LAS VEGAS, NV 89101