Federal Communications Commission
Washington, D.C. 20554

March 12, 2013

Roberts Broadcasting Company Of Evansville, IN
1408 North Kings Highway
Suite 300
St. Louis, MO 63113

Re: WAZE-LP Evansville IN
Facility ID No. 61039

Dear Licensee:

The above referenced station is currently licensed as a Class A television station, which is accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 ("CBPA").[1]

To qualify for Class A status, the CBPA provides that during the 90 days preceding enactment of the statute, a low power television station must have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station; and (3) been in compliance with the Commission's rules for low power television stations.[2] In addition, beginning on the date of its application for a Class A license and thereafter, the CBPA requires that a station must be "in compliance with the Commission's operating rules for full-power television stations."[3] Class A licensees must continue to meet the eligibility requirements in order to retain their Class A status.[4]

In establishing the Class A television service, the Commission applied to Class A licensees all the requirements that apply to full power television stations except for those that could not apply for technical or other reasons. Among the requirements that apply to Class A licensees are the Commission's main studio requirements.[5] Class A stations must also comply with the public inspection file rule, which requires each Class A station to prepare and place in its public inspection file on a quarterly basis an issues/programs list and documentation sufficient to demonstrate that the Class A station is continuing to

[1] Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336.

[2] 47 U.S.C. § 336(f)(2)(A)(i).

[3] 47 U.S.C. § 336(f)(2)(A)(ii).

[4] 47 U.S.C. § 336(f)(1)(A)(ii); 47 C.F.R. § 73.6001(b)(c).

[5] *In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000)("*R & O*"), Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8254-56 (2001)("*MO & O on Recon*"). This includes maintaining a meaningful management and staff presence of at least two full-time personnel in order to serve the needs and interests of the residents of the station's community of license.

meet the eligibility requirements set out in the preceding paragraph.[6] Class A television licensees are also subject to the regulations regarding fines and penalties applicable to full power television stations and loss of Class A status if they fail to meet these ongoing eligibility requirements.[7]

As discussed above, each Class A television station must prepare and place in its public inspection file on a quarterly basis an issues/programs list demonstrating that the station aired programming that meets the needs and interests of its community of license[8] and documentation sufficient to demonstrate that it is continuing to meet its Class A eligibility requirements, including the programming requirements. Furthermore, a Class A station is required to meet the other public file requirements of a full power station, which includes the requirement to upload the contents of its public file to the Commission's website.[9] (Instructions on how to upload documents to the Commission's website are attached to this letter.)

The Class A obligation to comply with the public file requirements of a full power station includes uploading to the Commission's website the address of the station's main studio, the station's issues/programs lists for the entire license term, and documentation sufficient to demonstrate that the station is continuing to meet its Class A the eligibility requirements.[10] The deadline for compliance with this requirement has passed.[11] At this time, it is apparent that stations that have failed to upload their issues/programs lists and/or documentation demonstrating that they continue to meet Class A eligibility requirements, in addition to failing to meet the uploading requirement, may also have failed to (1) air the required programming and/or continued to meet Class A eligibility requirements and/or, (2) prepare the issues/programs lists and/or assemble the supporting eligibility documentation. In any event, they have apparently committed a violation of the Commission's rules by failing to upload any information and, at a minimum, may be subject to penalties including forfeitures for failing to place their issues/programs lists and/or Class A eligibility documentation in their public inspection files and/or upload the documents to the Commission's website as required. The forfeiture guidelines adopted by the Commission establish a base forfeiture penalty of $10,000 for violation of the public file rules and a base forfeiture penalty of $3,000 for failure to file required forms and information.[12] In addition, if the station failed to air issue responsive programming, other penalties may be involved. For Class A stations that have failed to upload the required documentation regarding their Class A status to the on-line public file, it is not apparent that they are meeting their Class A obligations, and such stations may be subject to loss of their Class A status if they cannot demonstrate to the Commission that they are in compliance with the Class A eligibility requirements.[13]

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[6] *R & O*, 15 FCC Rcd at 6366. *See also*, 47 C.F.R. § 73.3526 (public file requirements).

[7] *MO & O on Recon*, 16 FCC Rcd at 8257.

[8] 47 C.F.R. § 73.3526(e)(11)(i).

[9] *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 27 FCC Rcd 4535, 4536, n.2 (2012) (The Commission adopts the proposal to replace the requirement that commercial and noncommercial television stations, including Class A TV stations, maintain a public file at their main studios with a requirement to post most of the documents in that file to an online public file to be hosted by the Commission.).

[10] *Id.* at 4568-69; 47 C.F.R. § 73.3526(b)(2); and § 73.3526(e)(17).

[11] *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, MM Docket No. 00-168; MM Docket No. 00-44, WL 364406 (January, 30, 2013).

[12] 47 C.F.R. § 1.80(b)(4).

[13] *MO & O on Recon*, 16 FCC Rcd at 8257.

Commission records indicate that your station has failed to upload to the Commission's website its main studio address, and/or the required issues/programs lists and/or the required documentation sufficient to demonstrate that the Class A station is continuing to meet its Class A eligibility requirements. You are directed to either upload your main studio address and all required issues/programs lists within **10 days** of the date of this letter or to identify those quarters for which an issues/programs list was not prepared, the quarters for which they were prepared and placed in the station's public file, and the location of the public file. Should you choose not to upload your main studio address and all required issues/programs lists within **10 days** of the date of this letter, provide an explanation as to why the station's main studio address and issues/programs list has not been uploaded in accordance with the Commission's rules. In order to complete our investigation of potential rule violations by the station, you are also required within **10 days** to provide and upload information demonstrating the station's compliance with the Class A eligibility requirements.[14] Therefore, you must submit documentation demonstrating that since the station has filed for its Class A status, it has (1) broadcast a minimum of 18 hours per day, (2) broadcast an average of at least three hours per week of locally produced programming each quarter and (3) complied with all applicable Part 73 operating rules. If the station has not been in full compliance with these eligibility requirements throughout the period it has been subject to these Class A requirements, explain the reason for such failure. Your submission must be supported by the declaration of an individual with personal knowledge of the facts.[15] A response to this letter is required in addition to uploading the required material. Please direct your response to Peter Saharko, Attorney Advisor, Video Division, Media Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, (202) 418-1856, and electronically to peter.saharko@fcc.gov.

In summary, within ten (10) days from the date of this letter, you are required to:

- **Upload the station's main studio address to its online public file;**
- **Upload all missing issues/programs lists to its online public file and/or identify those quarters for which an issues/programs list was not prepared, identify the quarters for which lists were prepared and placed in the station's public file, and identify the location of the public file;**
- **If you do not provide any or all of the station's issues/programs lists, provide an explanation as to why those issues/programs list have not been prepared and/or uploaded in accordance with the Commission's rules ;**
- **Provide and upload information demonstrating the station's compliance with the Class A requirements, which means you must submit documentation demonstrating that during the period since the station has filed for Class A status, it has (1) broadcast a minimum of 18 hours per day, (2) broadcast an average of at least three hours per week of locally produced programming each quarter and (3) complied with all applicable Part 73 operating rules. If the station has not been in full compliance with the eligibility requirements throughout that time, explain the reason for such failure. Your submission must be supported by the declaration of an individual with personal knowledge of the facts**.
- **Respond to this letter as directed above as well as uploading the required information.**

[14] *See* 47 C.F.R. § 73.6001.

[15] *See* 47 C.F.R. § 1.16.

In the event that the failure to make the required filings was due to your election to let the station revert to low power television status or if you now elect to let the station revert to low power television status, you need only notify us of this election and request a change in status for the station.[16] Failure to provide the requested information or request a change in station status within 10 days from the date of this letter will result in the institution of a forfeiture proceeding and/or loss of Class A television status.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

[16] *See* 47 C.F.R. § 73.6001(d).

Completing the Online Public File Requirement

Logging In

- There are two login options for broadcasters to use at https://stationaccess.fcc.gov in order to update their online public inspection files.

- The first, **Facility Sign In**, accepts a Facility ID number and passcode to manage a single station's public inspection file.

- The second, **FRN Sign In**, allows FRN holders to use their primary FRN and associated password to see all of their stations' Facility IDs and associated passcodes and to track the history of each station's public inspection file.

Documents That Must Be Uploaded

- The Commission will upload to stations' online public files any required documents that have been filed with the Commission in other contexts. These include renewal, assignment, and transfer applications filed in the Commission's Consolidated Database System (CDBS) and Children's Programing Reports (Form 398) filed using the Commission's e-filing system.

- There are electronic folders for all components of a station's public file on the Commission's public file website.

- Stations must upload any required public file documents that have not already been filed with the Commission. This will include the station's quarterly issues/programs lists and information demonstrating the station's compliance with its Class A eligibility requirements, which means that the station must submit documentation demonstrating that during the period that it has been subject to Class A requirements, it has (1) broadcast a minimum of 18 hours per day and (2) broadcast an average of at least three hours per week of locally produced programming each quarter.

- Stations must also upload their main studio location address.

How To Upload Documents

- Stations must upload electronic documents in their existing or native format to the extent feasible. If a required document already exists in a searchable format, a broadcaster is expected to upload the filing in that format, unless it is technically unable to do so. Examples of formats include: the Microsoft Word.doc format, or a non-copy protected text-searchable .pdf format for text filings, or native formats such as spreadsheets in Microsoft .xml format for non-text filings.

- The "drag and drop" filing method may be used in modern browsers Firefox, Chrome, and Safari. Click the orange Upload Documents button and then drag and drop anywhere on the page. If you

are using Internet Explorer, you will need to file documents one at a time through the familiar file attachment method.

- A station may easily delete any document from its online public file so that it will no longer be viewable by members of the public accessing their file. Licensees will also have the ability to fully purge a file from the system so that it no longer exists on the Commission's system, but this will require an FRN-based login.

- All uploads and actions are tracked on the History page. Any file you delete is moved into the Recycle Bin. You can also recover files from the Recycle Bin.