

Renewal Exhibit

License Ownership Period and Background Related to WBFT-CD

Sanford Broadcasting Group, Inc. (“SBG” or the “Licensee”) became the *de facto* licensee of the station subject to the instant application on April 17, 2015. Due to a lack of understanding of the Commission’s Rules, and lack of advice from counsel, SBG and the prior licensee failed to seek Commission approval prior to the assignment. The facts and circumstances involving the unauthorized transfer were disclosed and the assignment to SBG was authorized recently in FCC File No. BAL-20200110AAE (the “2020 Assignment Application”). Accordingly, the scope of the Licensee’s responses in the instant application is limited to the period commencing April 17, 2015, when SBG became the *de facto* licensee.

This application for renewal includes a number of negative certifications and disclosed delicts that would benefit from further explanation of context. SBG is a single-station owner with few employees and limited resources. SBG operated WBFT-CD without benefit of counsel for most of the applicable period and only engaged counsel in late November 2019 in connection with exploration of a possible sale of the station assets. While that sale did not come to fruition, counsel began working with SBG to address issues related to the involuntary repack of WBFT-CD from channel 46 to channel 36 during Phase 5.

WBFT-CD’s circumstances are a matter of record with the Commission but bear repeating here. The Licensee removed WBFT-CD from service on July 29, 2019, after the landlord of the former WBFT-CD tower site terminated the Station’s right to use the tower effective July 31, 2019. The Licensee’s ejectment from the tower site coincided with the start of the testing period for Phase 5 of the repack when WBFT-CD was no longer authorized to operate on channel 46. SBG sought and received silent authority in LMS File No. [0000078894](#) (extended in LMS File No. [0000100981](#)); a pending request for further silent is STA was granted through July 29, 2020, with a request for further silent authority and Section 312(g) waiver still pending in LMS File No. [0000116294](#).

In June 2020, following several months of searching for and evaluating options and in the midst of the worldwide Covid-19 pandemic, the Licensee located and secured an alternative tower site. The Licensee filed a minor modification application in LMS File No. [0000115744](#) specifying the new tower site, which application was promptly granted June 5, 2020. The Licensee requested and was granted a waiver of tolling in LMS File No. [0000093555](#), and has a pending request for a further waiver of tolling pending in LMS File No. [0000116295](#). At this time the Licensee continues its work to complete its repack transition but is waiting on local permitting to construct its authorized channel 36 facility.

In spite of the Station's temporary silent status, the Licensee respectfully submits that grant of the instant application would serve the public interest. WBFT-CD provides an independent source of local programming in the Raleigh-Durham DMA. It has been affiliated with the Walk TV, a religious network of interest to viewers in the community of license, Sanford, NC. The Licensee is also in active discussions with the Lee County (NC) School System evaluating creative ways that WBFT-CD may, consistent with the Communications Act and Commission Rules, and with advice of counsel, support public school instruction during the Covid-19 pandemic once WBFT-CD completes its repack facility and returns to broadcast. WBFT-CD is working diligently to complete construction on its authorized channel 36 facility and to continue its public service to Sanford and the surrounding area.

Non-Discriminatory Advertising Sales Agreements

The Licensee has certified in the negative to the question that asks whether "its advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain non-discrimination clauses." Station management was not aware of the requirement related to non-discrimination clauses in advertising sales agreements, but has taken corrective action to include a non-discrimination clause in its written advertising agreements as of July 2020. At no time during the applicable period has the Station, to its knowledge, accepted advertising that was placed with an intent to discriminate on the basis of race or ethnicity.

Biennial Ownership Report

The Licensee has certified in the negative to the question that asks whether "the station's Biennial Ownership Report (FCC Form 323 or 323-E) has been filed with the Commission, as required by 47 CFR Section 73.3615." The Licensee timely filed the 2019 Biennial Ownership Report in the name of the prior licensee but reporting data for Sanford Broadcasting Group, Inc. in the explanatory exhibit. *See* LMS File No. [0000100605](#).¹ The Licensee failed to file the 2015 or 2017 Biennial Ownership Reports, and these reports are no longer available (as a technical matter) for filing at this time. The Licensee disclosed these facts in the 2020 Assignment Application (*see* Exhibit 1). The Licensee takes this opportunity to note that SBG and Kimberly Lilley are and were, as of October 1, 2015, and October 1, 2017, the only attributable parties of the, at that time, *de facto* licensee of WBFT-CD.

¹ The 2019 Biennial Ownership Report was due during the pendency of the 2020 Assignment Application. Therefore, SBG was required, as a technical matter, to file under the name of the prior licensee.

Online Public Inspection File

The Licensee has certified in the negative to the question that asks whether “the documentation required by 47 CFR Sections 73.3526 or 73.3527, as applicable, has been uploaded to the station's public inspection file when required.” The following items were uploaded late to the FCC online public inspection file (“OPIF”):

- The Licensee did not file the 2015 and 2017 Biennial Ownership Reports as noted above. Ownership data for these two years was reported in January 2020 with the 2020 Assignment Application.
- Nine (9) Children’s Television Programming Reports were filed late, in most cases by only a few days: Second Quarter 2015 (5 days), Third Quarter 2015 (1 day), First Quarter 2016 (4 days), Fourth Quarter 2016 (1 day), First Quarter 2017 (50 days), Second Quarter 2017 (14 days), Third Quarter 2017 (23 days), Third Quarter 2018 (1 day), and Second Quarter 2019 (1 day).
- Certifications of Class A Eligibility were uploaded late in most cases and often in the incorrect filing location.

Certifications for Second Quarter 2015, Third Quarter 2015, and Fourth Quarter 2016 were only one to a few days late each.

Certifications for First Quarter 2017 through Second Quarter 2018, Fourth Quarter 2018, and First Quarter 2019 (8 quarters) were prepared and filed as attachments to the Station’s Children’s Television Programming Reports for these quarters and were available in the OPIF on the same schedules as noted above in the Children’s Television Programming Reports item. These certifications were then re-uploaded to the OPIF in January 2020.

Similarly, certifications for First Quarter 2016 and Second Quarter 2016 and Second Quarter 2019 and Third Quarter 2019 were timely or nearly timely prepared and filed as attachments to the Station’s Children’s Television Programming Reports and timely or nearly timely available in the OPIF. First Quarter 2016 was 5 days late and Second Quarter 2019 was 1 day late. These were re-uploaded to the appropriate file in July 2020.

Certifications for Third Quarter 2018 and Fourth Quarter 2019 were uploaded late in January 2020. (Fourth Quarter 2019 was uploaded a second time in April 2020.) Second Quarter 2020 was uploaded late in July 2020.

- Issues/Programs Lists were uploaded late in most cases.

Second Quarter 2015, Third Quarter 2015, Fourth Quarter 2016, and Fourth Quarter 2019 were only one to a few days late.

Issues/Programs Lists for First Quarter 2017 through Second Quarter 2018, First Quarter 2019 (9 quarters) were prepared and filed as attachments to the Station's Children's Television Programming Reports for these quarters and were available in the OPIF on the same schedules as noted above in the Children's Television Programming Reports item. These Issues/Programs Lists were then re-uploaded to the OPIF in January 2020.

Issues/Programs Lists for First Quarter 2016 and Second Quarter 2016 and Second Quarter 2019 and Third Quarter 2019 were timely or nearly timely prepared and filed as attachments to the Station's Children's Television Programming Reports and timely or nearly timely available in the OPIF. First Quarter 2016 was 5 days late and Second Quarter 2019 was 1 day late. These were re-uploaded to the appropriate file in July 2020.

Issues/Programs Lists for Third Quarter 2018 and Fourth Quarter 2019 were uploaded late in January 2020. (Fourth Quarter 2019 was uploaded a second time in April 2020.) Second Quarter 2020 was uploaded late in July 2020.

- Records of commercial limits in children's programs were not prepared and uploaded on a timely basis throughout the applicable period (19 quarters). These records were prepared and uploaded late in July 2020. To the Licensee's knowledge, at no time during the applicable period were the Commission's Rules concerning commercialization in children's programs violated.

The Licensee has had no political orders in the prior two years.

Admittedly, the Licensee fell short of the Commission's public inspection file requirements. WBFT-CD is a small station with few employees and resources. The Licensee has been advised by counsel and taken corrective action to implement more timely filing and, in the case of children's commercial certifications, preparation and filing of online public file materials in the time frame specified by the Commission's Rules.

Children's Television Programming Reports

The Licensee has certified in the negative to the question that asks whether, “for the period of time covered by this application, ... it has filed with the Commission, and incorporates by reference, the Children’s Television Programming Reports (FCC Form 2100, Schedule H) as described in 47 CFR Section 73.3526, containing all required information.” The Licensee filed and hereby incorporates by reference the Children’s Television Programming Reports filed during the applicable period for WBFT-CD with the following amendments² and clarifications:

- The Licensee did not correctly answer the question related to the amount of free, over-the-air programming on other than on WBFT-CD’s main program stream. During the applicable period covered by this application and until July 29, 2019, when the station went silent, WBFT-CD has broadcast only one (1) primary program stream and no additional multicast program stream(s).
- The Licensee inadvertently reported that the E/I symbol was omitted for one program during each of First Quarter 2019 (Digital Core Program 12, Big Time Adventures) and Second Quarter 2019 (Digital Core Program 11, Big Time Adventures). The Licensee believes that the “no” answer to the E/I symbol question was incorrectly reported in the Report for First Quarter 2019 and then not corrected when this Report was duplicated in preparation for filing the Second Quarter 2019 Report. The Licensee hereby amends its answer from “no” to “yes” for the E/I symbol question for Big Time Adventures aired during First Quarter 2019 (Digital Core Program 12) and Second Quarter 2019 (Digital Core Program 11).
- The Licensee’s first Annual Children’s Television Programming Report filed for the year 2019 incorrectly included data for First and Second Quarter 2019. WBFT-CD has been silent since July 2019, and accordingly aired no Core Programming for Third Quarter 2019 through Fourth Quarter 2019, because it was technically unable to do so.

These errors described above and corrected herein were purely errors in reporting. To the extent of any conflict between the data reported herein and the Children’s Television Programming

² These errors were discovered in connection with preparation of the instant license renewal application in July 2020, after the release of the recently revised Children’s Television Programming Report form. The previous version of the Children’s Television Programming Report was no longer available in LMS to make these amendments after the errors were discovered.

Reports identified above, the data reported herein shall control. The Licensee incorporates by reference the Children's Television Programming Reports filed during applicable period as amended hereby and certifies such Reports, as amended, contain all required information.

Core Programming Processing Guidelines

The Licensee has certified in the affirmative to the question that asks whether, "for the period of time covered by this application, ... the station has complied with the Core Programming criteria and Core Programming Processing Guidelines, as required by the Commission's rules that were in effect at the time the Core Program was aired." The basis for this answer is that WBFT-CD met or exceeded the applicable Core Programming Processing Guidelines for all quarters during SBG's ownership in which WBFT-CD was on the air. The only periods during which WBFT-CD fell below the applicable Core Programming Processing Guidelines were periods during which the station was silent (i.e., since July 29, 2019, as described herein.)

Notifying Publishers of Program Guides

The Licensee has certified in the negative to the question that asks whether, "it provides information identifying each Core Program aired on its station to publishers of program guides, as required by 47 CFR Section 73.673." Due to a lack of understanding of the notification requirements, the Licensee failed to notify publishers of program guides of information identifying each Core Program throughout the applicable period. The Licensee did have a practice of notifying the MVPD on which it was carried (Spectrum) of its program schedule. The Station intends to take corrective action to notify publishers of program guides as required by the Rule 73.673 when it returns to air after completion of its repack facility and begins airing Core Programs again.

Continued Class A Eligibility

The Licensee has certified in the affirmative to the question that asks whether "its station does, and will continue to, broadcast: (a) a minimum of 18 hours per day; and (b) an average of at least 3 hours per week of programming each quarter produced within the market area served by the station, or by a group of commonly controlled low power or Class A stations whose predicted noise-limited contours are contiguous." The basis for this answer is that WBFT-CD met or exceeded the applicable Class A eligibility requirements for all periods during SBG's ownership in which WBFT-CD was on the air. The only periods during which WBFT-CD fell below the applicable eligibility requirements were periods during which the station was silent (i.e., since July 29, 2019, as described herein).

Discontinued Operations, Silent Stations, and Minimum Operating Schedule

The Licensee has certified in the negative to the questions that ask whether “during the preceding license term, the station has not been silent for any consecutive 12-month period”; whether “the station is currently on the air broadcasting programming intended to be received by the public”; and whether “during the preceding license term the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days.” The facts and circumstances of WBFT-CD’s operational status are described above (*see infra* page 1). WBFT-CD has been silent since July 29, 2019, pursuant to silent STA most recently granted in LMS File No. [0000116294](#), with a further request still pending in the same file number. The Licensee has a request for waiver of the Section 312(g) one-year silent period pending in this same file number. With the exception of this period of silence since July 29, 2019, WBFT-CD was on the air and adhered to its minimum operating schedule at all times applicable to this application.

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