

Children's Television Programming

This exhibit provides context to WEEK-TV's children's E/I programming performance during First Quarter 2017 and during 2019 (as reflected in the relevant Children's Television Programming Reports) that might otherwise not be obvious from a brief glance at the Reports.

Across the license term, the station experienced *de minimis* compliance issues with the following aspects of its Children's Television core programming in First Quarter 2017 and portions of 2019.

First Quarter 2017 Multicast Streams. The station's First Quarter 2017 Report details average weekly core programming hours as follows: 3.23 for the primary stream and 5.54 shared across the station's two multicast streams. See LMS File No. [0000024046](#). However, as noted in the Report's designated area for "any other comments or information" regarding the report (i.e., in the "Liaison Contact" informational box), the First Quarter of 2017 had only 12 Saturdays, rather than the typical 13. "Because all of the core programming for the multicast channels on this station aired on Saturdays, the multicast calculation in the Digital Core Programming section is artificially low as a result of the calendrical quirk." *Id.* When combined with the average weekly core programming hours reported in the preceding quarter—which had 14 Saturdays—the station aired an average of 5.96 weekly hours of core programming on its two multicast streams across the relevant six-month period—i.e., just shy of the required 6 average weekly hours for the multicast program streams. See LMS File No. [0000020949](#).

2019 Primary Streams. Similarly, the station's First Quarter 2019 Report details average weekly core programming hours as follows: 2.85 for the primary stream and 6.5 shared across the station's two multicast streams. See LMS File No. [0000071099](#). The station's Second Quarter 2019 Report details average weekly core programming hours as follows: 2.85 for the primary stream and 9.5 shared across the station's three multicast streams (a third multicast stream was launched this quarter). See LMS File No. [0000077492](#). Of course, this results in a six-month average of 2.85 weekly hours on the primary stream.

Turning next to the station's Reports covering Third Quarter 2019, the Licensee notes the Commission's revised Children's Television Programming Rules took effect in the midst of the quarter. See Public Notice, *Media Bureau Announces Effective Date and Provides Guidance on Transition Procedures for KidVid Reporting and Compliance with Revised Safe Harbor Processing Guidelines*, 34 FCC Rcd 7878 (rel. Sept. 3, 2019) ("*KidVid 2019 Compliance PN*"). WEEK-TV's Third Quarter 2019 Children's Television Programming Report indicates that during the first 11 weeks of Third Quarter 2019 the station aired an average of 2.86 hours per week of children's E/I programming on its main program stream (and an average of 9.5 hours per week on its three multicast streams).

In sum, the station's primary program stream experienced slight underages in each of First,

Second, and the first 11 weeks of Third Quarter 2019, averaged over the relevant six-month periods.

The station encountered multiple unanticipated preemptions across the foregoing periods in 2017 and 2019 that—despite using best efforts—the station was unable to successfully reschedule within designated second home time slots. Furthermore, the station respectfully notes that in each of the quarters noted above the station *over-performed* insofar as its aggregate average core programming hours are concerned, by airing supplemental core programming on its primary stream for the first six-month period in 2017, and on its multicast streams for the relevant time periods in 2019. With this in mind, the station observes that it identifies its NBC program stream as channel 25.1 and its ABC program stream as channel 25.2. Both of those program streams are affiliated with Big Four networks and, as a consequence, the station could just as easily identify the ABC program stream as 25.1, in which case the so-called primary and multicast channels would have all satisfied the core programming averages during the foregoing six-month periods—this would obviate the slight underages reported for First Quarter 2017 and First, Second, and first 11 weeks of Third Quarter 2019. *See* 47 C.F.R. § 73.671(e)(2)(ii) (2007). Regardless, notwithstanding the station’s imperfect performance in the foregoing periods, the station respectfully submits that it has complied with the spirit of the Children’s Television Act and that any shortfall is *de minimis* for compliance purposes. This is especially so given that the station’s Forms 398 across the license term demonstrate that the station regularly airs additional hours of core programming over and above the 3.0 hour weekly average specified for “safe harbor” processing. *See, e.g.*, LMS File Nos. [0000020949](#) (2016 Q4 report detailing average of 3.62 hours on primary; 6.38 on multicasts); [0000039113](#) (2017 Q4 report detailing average of 3.54 hours on primary; 6.54 on multicasts); [0000051900](#) (2018 Q1 report detailing average of 3.31 hours on primary; 6.46 on multicasts).

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