

Exhibit

Class A Eligibility Certification

Outside Waves, LLC (“Outside Waves”), licensee of K36DB-CD, Avon/Vail, Colorado (the “Station”) certifies that the Station currently 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. To the best of Outside Waves’ knowledge, the Station has complied with its Class A broadcast obligations during the entire license term with the exception of one quarter during which the Station lacked local programming while operated by different owners.

Outside Waves acquired the Station pursuant to a long-form assignment of license on April 26, 2021. Under the prior licensee, the Station was airing locally produced programming from a production company in the Station’s market sufficient to maintain the Station’s Class A status. The Station’s over-the-air signal was off-air due to equipment problems from September 19, 2019 through September 10, 2020.¹ While the Station was off-air, the production company breached its contractual obligation to provide the Station with locally produced programming such that when the Station resumed broadcast operations, it was without a source of locally produced programming. Outside Waves understands that the programmer breached its obligations as a result of difficulties brought on by the pandemic.

Station personnel worked to find alternative sources of locally produced programming and beginning in first quarter 2021, the Station began producing its own local content. In addition, Station personnel are negotiating a new agreement with a programming supplier pursuant to which the Station will air at least 1.5 hours of local programming per day. Accordingly, going forward, the Station will average far more than the minimum requirement of three hours of locally produced programming each week. Moreover, Outside Waves believes the Station has averaged far more than three hours per week of locally produced programming over the course of the license term. In addition, to the best of Outside Waves’ knowledge, the Station has met throughout the entire license term the requirement that Class A stations broadcast a minimum of 18 hours per day. .

While Outside Waves asserts that the Station has met its requirements under 47 C.F.R. Section 73.6001 in a manner sufficient to maintain the Station’s Class A status, in an abundance of caution, Outside Waves requests a waiver of 47 C.F.R. Section 73.6001 to the extent needed. As discussed above, the Station has met its obligation to broadcast for at least 18 hours per day and has also met its obligation to air at least three hours per week of locally produced programming except during one quarter under a prior licensee when the locally produced programming

¹ The Station was off-air due to a malfunction of its broadcast equipment; however, it was able to continue to provide its programming to certain MVPD viewers in the market until it completed the necessary repairs to the station’s broadcast equipment.

requirement was not met. Outside Waves asserts that this shortfall was *de minimis* and should not require the FCC to issue a waiver. Nevertheless, if the FCC believes a waiver is necessary, Outside Waves asserts that grant of a waiver is in the public interest so that the Station can continue the service to the local community that it is providing under the current licensee.