

Children's Television Programming Reports

The Licensee has certified in the affirmative to the question asking whether, for the period of time covered by this application, it 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 Licensee's certification applies with respect to the beginning of the license term, January 5, 2015 (the date the KESQ-TV's last renewal application was granted), through the present. *See Fox Television Stations, Inc.*, 33 FCC Rcd 7221 (2018), ¶¶ 31-32. This exhibit is intended to provide additional information concerning KESQ-TV's Reports filed during the license term.

The Licensee missed the applicable threshold of children's E/I programming to satisfy the Core Programming Processing Guidelines by a very slight amount in one quarter when averaged over a 6-month period—.04 hours short, to be precise. Specifically, in Second Quarter 2018, the station aired 2.92 hours of children's E/I programming on its main program stream. The station experienced a number of ABC network sport preemptions and was unable to reschedule two such preemptions. Three hours aired on the main program stream in the prior quarter, resulting in a 6-month average of 2.96.

The Licensee occasionally misreported individual program data in its Reports.¹ However, other than as described above related to Second Quarter 2018, KESQ-TV met the applicable Core Programming Processing Guidelines applicable to its main and multicast program streams.

Viewed against the station's aggregate performance and commitment to airing children's E/I programming across the license term and across its *five* program streams, the Licensee respectfully submits that the single quarter in which it fell slightly short of 3.0 hours was merely *de minimis* for compliance purposes. In particular, "licensees are eligible for staff level approval if they demonstrate that they have aired a package of different types of educational and informational programming that, while containing somewhat less core programming than indicated by the applicable guideline, demonstrates a level of commitment to educating and informing children at least equivalent to airing the amount of programming indicated by the guideline." *In re Children's Television Obligations of Digital Television Broadcasters*, 21 FCC Rcd 11065, 11102 n.141 (2006). Across the license term, and as can be seen from the relevant Children's Television Programming Reports, the Licensee has satisfied and sometimes exceeded the safe harbor processing average, particularly on the station's multicast channels. The isolated quarter where the station fell below the threshold involved network sports preemptions that were not forgotten or ignored but could not be made good due to other program commitments. When viewed in the context of these circumstances, the slight shortfall

¹ For example, in a few instances a program that aired may have been accidentally omitted from one or more KESQ-TV Reports. In a few other instances, the "total times aired" or other fields may have been miscalculated. The Licensee attributes these minor data entry errors to the quantity of data reported each quarter for the station's five program streams.

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averaged over six months may properly be determined to be *de minimis*. No adverse action has been taken in similar circumstances. *See, e.g., WGEM License, LLC*, Renewal of License Application, LMS File No. 0000154915 (granted Nov. 12, 2021).

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