

LICENSE RENEWAL EXHIBIT

Preceding License Term

The license for KOAT-TV, Albuquerque, NM, and its translator stations were last renewed on October 17, 2014, in FCC File No. BRC DT-20140530ANW. Accordingly, the Licensee's responses in the instant application cover the period commencing on October 17, 2014.¹

FCC Violations During the Preceding License Term

While not an FCC violation as preliminary or finally determined by the Commission or the Commission's staff, out of an abundance of caution the Licensee wishes to note that the Licensee received an informal complaint concerning KOAT-TV's placement of closed captioning on the screen. The Commission's staff sent KOAT-TV an Official Notice of Informal Complaint dated March 19, 2020, and an Official Further Notice of Informal Complaint dated April 22, 2020, concerning this matter. The Licensee timely responded to each Notice and explained that KOAT-TV established an open dialog with the complainant, that there are challenges that limit KOAT-TV's placement of closed captioning, that it is impractical and impracticable for KOAT-TV to move its closed captioning to another position, and that the position of the closed captioning during the newscast at issue did not block emergency information. KOAT-TV is committed to providing access to all of its viewers, including the deaf and hard-of-hearing community, and the Commission has taken no further action on this matter.

Online Public Inspection File – Political File Records

While not a violation of the online public inspection file rule, out of an abundance of caution the Licensee wishes to note that it has not always "immediately" uploaded political files reconciliation records (i.e., invoices). Such reconciliation documentation is not subject to the same "as soon as possible" requirement as other political file records.² As permitted by the Commission's policy, KOAT-TV makes station personnel available to answer questions about final reconciliation in person, by e-mail, or over the phone, and places reconciliation documentation concerning the final disposition of political orders at a later date consistent with its business practices, which, in most cases is when final billing is compiled and within 30 days.

¹ See *Fox Television Stations, Inc.*, FCC 18-97, 33 F.C.C. Rcd. 7221, ¶ 32 (2018).

² *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, ¶ 57 (2012) (Stations may "place written documentation about the final disposition in the file at a later date consistent with business practices – usually when final billing is compiled for the purchaser on a monthly basis. This practice is permitted.").

With respect to other political file records, although throughout the relevant period the Licensee timely both generated and uploaded to the online political file the overwhelming majority of the required political file records, in the course of preparing the instant license renewal application and reviewing a representative sample of the station's political file records, the Licensee discovered that it inadvertently failed to upload records within one business day in some instances. These inadvertent oversights arose during the rare and unusual circumstances caused by the COVID-19 national and international pandemic,³ and the Licensee respectfully submits that under the circumstances, the Licensee uploaded political file materials "as soon as possible."⁴ And, even if any inadvertent oversights were found to rise to the level of deficient compliance, viewed against the context of the station's overall political file recordkeeping compliance—which spans in excess of 1,800 document uploads during the relevant period—the Licensee respectfully submits that any oversights are *de minimis* and not material to the Licensee's overall compliance with the political file recordkeeping rule.

Silent Translators

The Licensee's translator stations K12OC-D, Red River, NM, and K12NH-D, Hobbs, NM, are each currently off the air. K12OC-D's tower fell down on or around May 2, 2022, and the US Forest Service has closed all access to the site. On or around April 30, 2022, K12NH-D ceased transmitting because of problems with the microwave link that feeds the translator. The Licensee expects that each of K12OC-D and K12NH-D will remain off the air for more than 30 days. The license filed Applications for Silent Authority, which are currently pending with the Commission (FCC LMS File No. 0000191289 for K12OC-D and FCC LMS File No. 0000191288 for K12NH-D.) Translator stations are not required to adhere to any regular schedule of operation.⁵ Both translators are located in remote areas, and while the Licensee inadvertently failed to notify the Commission within 10 days of the discontinued operations, the Licensee respectfully submits that the delay in notification was *de minimis* in each instance and had no material impact on the Licensee's operation of either translator as permitted under the Commission's rules.

* * * * *

³ Indeed, the Media Bureau has recognized that the rare and exceptional circumstances presented by the COVID-19 pandemic have impacted station operations and require regulatory compliance flexibility. *See e.g.*, DA 20-353, DA 20-376, DA 20-396, DA 20-398, and DA 20-1059.

⁴ 47 U.S.C. § 315(e)(3); 47 CFR § 73.1943(c).

⁵ 47 CFR § 74.763(a).