

Request for STA

The instant request for STA seeks authority to operate the Station for a limited period of time without Audible Crawl Rule functionality, pending delivery and installation of the apparatus necessary for compliance.

Pursuant to the Audible Crawl Rule adopted in *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871 (2013) and the subsequent Memorandum Opinion and Order, 30 FCC Rcd 5012 (2015), all television stations are required to begin compliance with the new rules by November 30, 2015. For causes beyond the control of this licensee, this Station will operate for a limited period of time beyond November 30 without Audible Crawl Rule functionality.

To be clear, this is not a situation where the licensee has dragged its feet in meeting the compliance deadline or has otherwise been a compliance laggard. To the contrary, the licensee is a subsidiary of Quincy Newspapers, Inc. (“QNI”), whose 13 owned-and-operated television stations were ready, willing and able to comply with the Audible Crawl Rule since the original compliance deadline. The instant request for STA has been prompted by the recent closing of a transaction by QNI, in which QNI acquired several television stations whose *prior owner* did not adequately prepare the stations to meet the November 30, 2015, Audible Crawl Rule compliance deadline. More specifically, in support of the instant STA request, the applicant shows as follows:

At the time of the original Audible Crawl Rule deadline (May 26, 2015), QNI owned and operated 13 TV stations and provided services to a 14th TV station, as set forth in the table below:

Station & Community of License	Fac. ID Number	Licensee
KTIV, Sioux City, IA	66170	KTIV License, LLC
KTTC, Rochester, MN	35678	KTTC License, LLC
KWWL, Waterloo, IA	593	KWWL License, LLC
WGEM-TV, Quincy, IL	54275	WGEM License, LLC
WKOW, Madison, WI	64545	WKOW License, LLC
WAOW, Wausau, WI	64546	WAOW-WYOW License, LLC
WQOW, Eau Claire, WI	64550	WXOW-WQOW License, LLC
WXOW, La Crosse, WI	64549	WXOW-WQOW License, LLC
WYOW, Eagle River, WI	77789	WAOW-WYOW License, LLC
WMOW, Crandon, WI	81503	WAOW-WYOW License, LLC
WREX, Rockford, IL	73940	WREX License, LLC
WSJV, Elkhart, IN	74007	WSJV License, LLC
WVVA, Bluefield WV	74176	WVVA License, LLC
KXLT-TV, Rochester MN ¹	35906	SagamoreHill of Minnesota Licenses, LLC

¹ QNI provides certain services to KXLT-TV, via its subsidiary KTTC License, LLC, and was instrumental in the acquisition and installation of hardware and software, at the direction of KXLT-TV’s licensee, to enable KXLT-TV’s timely compliance with the original Audible Crawl Rule deadline.

QNI ordered and installed equipment and software to comply with the May 26 Audible Crawl Rule deadline and was in the midst of testing each of its stations' apparatus at the time of the original deadline. In the time since the May 26 deadline was extended, several QNI stations have had the opportunity to engage their Audible Crawl systems in real-time, for real emergency situations. **In this regard, QNI has been an industry leader for Audible Crawl Rule compliance** at more than a dozen television stations.

On November 2, 2015, pursuant to the authority granted in File Nos. BALCDT-20140221ABR (WBNG-TV, Fac. ID No. 23337); BALCDT-20140221ABQ (WEEK-TV, Fac. ID No. 24801); BALCDT-20140221ABO (KRIL, Fac. ID No. 82698); BALCDT-20140221ABN (KBJR-TV, Fac. ID No. 33658); BALCDT-20140221ABL (WPTA, Fac. ID No. 73905), QNI closed a series of transactions² in which it acquired five television stations and became contractually obligated to provide certain services to four other television stations (referred to herein as the "Acquisition"). The five stations acquired by QNI as of November 2, 2015, to be owned and operated by QNI, are set forth in the table below. In addition, QNI, as part of the Acquisition, is responsible through certain subsidiary entities, for providing certain services, subject, in certain instances, to a wind-down period, to four other TV stations.

Call Sign & Community of License	Fac. ID Number	Current Licensee	Former Licensee
WBNG-TV, Binghamton, NY	23337	WBNG License, LLC	WBNG License, Inc.
WEEK-TV, Peoria, IL	24801	WEEK License, LLC	WEEK-TV License, Inc.
KBJR-TV, Superior, WI	33658	KBJR License, LLC	KBJR License, Inc.
KRIL, Chisholm, MN	82698	KBJR License, LLC	Channel 11 License, Inc.
WPTA, Fort Wayne, IN	73905	WPTA License, LLC	Malara Broadcast Group of Fort Wayne Licensee LLC

On October 21, 2015, QNI issued a Purchase Order to order the various apparatus for the nine stations that were the subject of the Acquisition (i.e., the five stations listed above as well as the four stations for which QNI is contractually obligated to provide certain services). Because QNI's closing of the Acquisition was not until November 2, 2015, QNI could not reasonably move forward with the Purchase Order sooner than October 21. After all, the hardware and software needed to bring the nine stations into compliance with the Audible Crawl Rule represents nearly a half-million dollars in investment, and it would not have been commercially reasonable for QNI to commit to that type of expense until the closing of the Acquisition was a certainty.

To fully understand why it was necessary for QNI to wait until the closing of the Acquisition was a certainty, it is necessary to understand that the tentative nature of the Acquisition was borne out by its history. The parties to the Acquisition originally filed their assignment applications in February 2014. Following multiple rounds of feedback from Commission Staff, multiple rounds of revisions to the structure of the transactions, litigation threats, and numerous

² Simultaneous with the closing of the Acquisition, QNI also closed a series of short-form, pro forma transactions (pursuant to appropriate Commission authority) by which it accomplished an internal reorganization and moved the licenses of its pre-existing 13 stations into new licensees.

changes to the structure of the transaction, the FCC assignment applications for the Acquisition were finally granted in September 2015, more than a year-and-a-half after they were initially proposed. With so many “hiccups” in the process of working through the Acquisition, it was entirely reasonable for QNI to wait until late October to commit to a vendor for the purchase of the apparatus necessary to effectuate compliance with the Audible Crawl Rule for the stations that were the subject of the Acquisition. (To reiterate, the stations already owned by QNI were ready, willing, and able to comply with the Audible Crawl Rule as of the original compliance deadline.)

Perhaps most significant to the instant request, as of November 22, 2015, the apparatus for Audible Crawl Rule compliance ***has not yet been delivered*** by the vendor. Once it is delivered for each of the relevant stations, installation and testing at each station will be necessary. Because QNI was ready, willing, and able to comply with the Audible Crawl Rule at more than a dozen television stations as of the original compliance deadline, QNI is well-aware of the effort it will take to complete the installations and testing at the stations that were the subject of the Acquisition—the gear required for compliance is manifestly not “plug and play” equipment; instead, significant technical efforts will be required, which will take time. Hence the instant request for STA.

In light of the information provided above, there can be no reasonable question that compliance with the Audible Crawl Rule is a high priority for QNI and its subsidiaries, but there is also no question that, due to the timing of the Acquisition and the former licensees’ lack of preparation, STA is necessary for a brief period of time to permit QNI’s new stations to operate without Audible Crawl Rule functionality until such time as the apparatus, which has already been ordered, is delivered, installed, tested, and put into real-time operation. For these reasons, the Applicant herein respectfully submits that STA is in the public interest. Alternatively, should the Commission Staff determine that an STA would be inappropriate, the Applicant respectfully requests that the Commission forbear from enforcement action against the Station under the Audible Crawl Rule.

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