

## **Renewal Exhibit**

### ***Non-Discrimination in Advertising Sales Agreements***

At no time on or before August 3, 2020, has the Licensee, to its knowledge, accepted advertising that was placed with an intent to discriminate on the basis of race or ethnicity. Further, at no time on or before August 3, 2020, have the Licensee's sales practices or its advertising sales agreements discriminated on the basis of race or ethnicity.

However, out of an abundance of caution, the Licensee has answered this certification "No" because while it does not generally generate formal written advertising sales contracts, there have been occasions during the license term when the Licensee has used written agreements, and such agreements in the past did not always contain non-discrimination clauses. To the extent the Licensee does currently use a standard written agreement, such agreement does contain such a clause. In addition, the Licensee has incorporated non-discrimination clauses into its written communications with advertisers, including in its email correspondence; in its correspondence regarding confirmation of placed advertising orders; and on its invoices to advertising sales clients.

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### ***Online Public Inspection File***

The Licensee has responded in the affirmative to the FCC online public inspection file certification that states: "Licensee certifies that the documentation required by 47 C.F.R. Section 73.3526 or 73.3527, as applicable, has been uploaded to the station's public inspection file as and when required."

However, the Licensee wishes to note the following:

- The annual EEO Public File Report for 2013 was uploaded 15 days late, on August 16, 2013.
- The Children's Commercial Time Limits Certification was uploaded late twice, for first quarter 2013 (on June 28, 2013) and second quarter 2015 (on July 13, 2015, three days late).
- The Issues/Programs Report was uploaded late twice, for first quarter 2013 (on April 14, 2013, four days late) and second quarter 2015 (on July 13, 2015, three days late).<sup>1</sup>
- The Class A Continuing Eligibility Certification was uploaded late once, for first

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<sup>1</sup> The Licensee experienced technical difficulties timely uploading the second quarter 2015 Children's Commercial Time Limits Certification and Issues/Programs Report and reached out multiple times to Commission technical staff prior to the July 10, 2015, deadline for assistance. Despite these efforts, the Licensee was not able to resolve its technical issues prior to the upload deadline; as such, the Licensee did not timely upload these two items.

- quarter 2013 (on July 10, 2013).
- The Licensee did not upload a DTV Ancillary/Supplementary Services Report for 2015, 2016, or 2017.<sup>2</sup>
  - The Licensee did not upload a Form 397 Mid-Term EEO Report.<sup>3</sup>

The Licensee respectfully submits that the deficiencies described above are not material to its overall compliance with 47 C.F.R. § 73.3526.<sup>4</sup>

In addition, the Licensees wishes to note that, as a result of two government shutdowns that affected the accessibility of the Station's OPIF (and all other OPIFs) for upload purposes, there are multiple other documents that might, at first glance, appear to have been uploaded late. In each case, however, the documents were timely uploaded when the government shutdown is taken into account. More specifically, the Issues/Programs Lists for Third Quarter 2013 and Fourth Quarter 2018, and the children's commercial time limits certification records for Third Quarter 2013 and Fourth Quarter 2018, and the Children's Television Programming Reports for Third Quarter 2013 and for Fourth Quarter 2018 were timely uploaded once the government shutdown is taken into account.

Further, it recently came to our attention that the Children's Television Programming Reports from prior to Fourth Quarter 2015 are not rendering properly when clicked on in the Station's (or any other TV station's) OPIF. We have communicated with the FCC Staff about the issue and have been advised that they are already aware of the issue. These reports are still available and accessible via LMS, which means that neither the FCC Staff nor the public have been materially prejudiced by this technical issue, which is beyond the control of the Licensee.

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<sup>2</sup> The Licensee did not have any feeable ancillary or supplementary services to report at any time during the license term; the public was therefore not prejudiced by these omissions.

<sup>3</sup> The Licensee respectfully submits that, because all of the information contained in the Form 397 is already otherwise available in a station's OPIF (with the exception of the certification that a licensee has the requisite number of full-time employees to be subject to a mid-term review), the public was not materially prejudiced by this omission.

<sup>4</sup> The Commission has previously granted license renewal applications for analogous public file deficiencies without monetary sanctions. *See, e.g., KVOA Communications, Inc.*, Letter Decision, 23 FCC Rcd 18096 (MB 2008) (granting Class A station's renewal with non-monetary admonishment where two issues/programs reports were missing, one issues/programs report was placed in the public file nine days late, two Children's Television Programming Reports were placed in the public file one month and nine (9) days late, respectively, and one certification of compliance with children's commercial limits was nine days late); *Univision Atlanta LLC*, Letter Decision, 20 FCC Rcd 20102, DA 05-3231 (MB 2005) (granting renewal application with non-monetary admonishment where one issues/programs report was missing).

**Children's Television Programming Reports**

By Forfeiture Order adopted August 8, 2013, the Media Bureau found that Byrne Acquisition Group, LLC (the "Licensee"), licensee of station W30CV-D (the "Station"), failed to file with the Commission several of the Station's Children's Television Programming Reports during the Station's prior license term. *See Byrne Acquisition Group, LLC, Forfeiture Order, 28 FCC Rcd 11813 (MB 2013)*. Because the Forfeiture Order addressed issues with respect to the Station's prior license renewal application, it is unnecessary to address it now; the Licensee discloses it only so that an explanation of the timing of the Forfeiture Order is readily available and obvious.

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