

KTBS-TV
LICENSE RENEWAL ONLINE PUBLIC INSPECTION FILE EXHIBIT

Online Public Inspection File

KTBS, LLC (“applicant” or “KTBS”) has responded in the negative to the FCC online public inspection file certification (“OPIF”) 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.” The applicant wishes to note the following with respect to the foregoing certification, and respectfully submits that despite its negative certification none of the following constitutes a material deficiency in the applicant’s overall OPIF compliance:

- **2Q 2013 Issues/Programs List and Children’s Commercial Time Limits Certification:** The applicant timely prepared its second quarter 2013 Issues/Programs List and Children’s Commercial Time Limits Certification prior to the documents’ July 10, 2013, upload deadlines. However, due to a clerical error KTBS did not upload either document to the station’s online public file until October 18, 2013, shortly after the end of the 2013 federal government shutdown (which lasted from October 1 to October 16, 2013). Throughout the period from July 10, 2013 to October 18, 2013, the station maintained a hard copy of its second quarter 2013 Issues/Programs List and Children’s Commercial Time Limits Certification in its backup paper public file at the KTBS main studio and had station personnel available to assist members of the public with requests for such documents. Given the brief period of delay in the upload of the documents, and the fact that this circumstance arose within approximately the first year within which television stations became subject to—and, therefore, were still in the process of learning how to navigate—the Commission’s online public inspection file rules,¹ the applicant respectfully submits that the foregoing did not materially prejudice the public or affect the applicant’s public file compliance across the license term.
- **Three EEO Public File Reports:** The applicant timely prepared its 2013–’14, 2015–’16, and 2016–’17 EEO Public File Reports and thereafter posted each Report on the station website. Accordingly, although the applicant inadvertently failed to separately upload to the online public file the 2013–’14 Report until January 28, 2015, and the 2015–’16 and 2016–’17 Report until February 1, 2018, the public nonetheless had access to the timely prepared Reports via the station’s own website. Among other things, the applicant mistakenly initially believed that transitioning to the online public file system required only the upload of *past* EEO Public File Reports to the online public file system, given that the station continued to upload its subsequent EEO Public File Reports to a publicly available online location—i.e., the station’s website. That misunderstanding was further reinforced by the fact that during the foregoing period the station utilized a state broadcaster association alternate broadcast inspection program (“ABIP”) that did not identify any

¹ See *Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (July 3, 2012) (setting August 2, 2012, compliance date for the upload of “new documents” to the online public file).

public file upload deficiencies regarding EEO reports. Additionally, in the case of the 2015-'16 and 2016-'17 Reports, each was uploaded to and available on the stations online public file as of January 27, 2017 (which was, actually, a timely upload date for the 2016-'17 Report), given that each was attached to KTBS, LLC's EEO Broadcast Mid-Term Report (i.e., FCC Form 397, CDBS File No. B397-20170127ACZ).

The applicant respectfully submits that the foregoing delays did not prejudice the Commission or the public, and did not materially affect the applicant's compliance with the Commission OPIF rules. Indeed, in the past the Commission has issued only an admonishment when EEO Public File reports and additional OPIF documentation were entirely missing from a renewal applicant's public file. *See, e.g., NBC Telemundo License Co.*, Letter Decision, 22 FCC Rcd 19911, 19912 (2007) (issuing only an admonishment for EEO Public File Report and two issues/programs lists that were entirely missing from public file at license renewal time); *Meredith Corp.*, Letter Decision, 22 FCC Rcd 16815, 16816 (2007) (issuing only an admonishment for EEO Public File Report and two children's commercial time limits certifications that were entirely missing from public file at license renewal time); *Kzjl License Corp.*, Letter Decision, 22 FCC Rcd 21004, 21005 (2007) (issuing only an admonishment for EEO Public File Report and two children's television programming reports that were entirely missing from public file at license renewal time). Accordingly, the applicant respectfully suggests that no action is warranted here given the circumstances surrounding the uploads, including the January 2017 upload of the 2015-'16 and 2016-'17 Reports as part of KTBS, LLC's Form 397 filing, and the year-long availability to the public via the KTBS-TV website of the applicant's 2013-'14, 2015-'16, and 2016-'17 Reports.

- **Brief Biennial Ownership Report Delay:** The applicant timely prepared and filed its 2013 licensee biennial ownership report (CDBS File No. BOA-20131122AUT) by the December 20, 2013, deadline.² Soon thereafter, it came to the applicant's attention that one of the respondents listed on that report—"Wray Properties Trust, Betty Wray Anderson, Trustee" (the "Trust")—also needed to file an ownership report. The applicant therefore caused the Trust to file its own biennial ownership report (CDBS File No. BOA-20140314ADK) on March 14, 2014, less than three months after the 2013 filing deadline. The Trust at that time had (and currently has) a non-controlling 26% ownership interest in the licensee. In turn, Ms. Betty Wray Anderson, who was already disclosed on KTBS, LLC's 2013 biennial ownership report *in her capacity as "Trustee,"* has 100% voting interest in the Trust; the two other respondents for the Trust are beneficiaries only. Accordingly, given the brief delay in filing, and the fact that all entities and individuals with a voting interest in KTBS, LLC were already disclosed in KTBS, LLC's timely filed 2013 licensee biennial ownership report, the applicant respectfully submits that the brief delay described above did not materially prejudice the Commission or the public.

² *See Form 323 Biennial Ownership Reports Must Be Filed By 7 PM ET on December 20, 2013, Due to a Scheduled Power Outage*, Public Notice, 28 FCC Rcd 16514 (Dec. 9, 2013).

- **Political File Materials:** The applicant received a modest number of political advertising orders over the last two years. Although the applicant substantially complied with the FCC's political file recordkeeping rules and the governing statute, in the course of preparing the accompanying license renewal application the station discovered that it had inadvertently failed to toggle on the "P Code" command in its WideOrbit traffic system such that the documentation placed in the political file does not demonstrate the class of time purchased. However, the station does—and during the relevant period, did—routinely provide information regarding the station's available classes of time to potential buyers making political advertising inquiries. Additionally, the applicant identified two 2020 federal issue advertisers for whom the station's documentation did not include various other required information, such as the rates and air dates and times for the relevant ads. Both issues have been addressed by the station—going forward, all documentation placed in the political file will indicate the class of time being purchased and issue advertisements will contain all required categories of information.

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The applicant respectfully submits that none of the foregoing is material to the station's overall compliance with Section 73.3526 of the rules.

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