

DTV/Class A Certifications Exhibit

In response to the DTV/Class A Certifications contained in the application for renewal of license, it appears that the station did not timely upload all required items to the online Public Inspection File during the license term, having filed one annual EEO Public File Report (October 2019) and one quarterly Children's Television Programming Report (October 2017) the day after each was due. In addition, while the 2016 EEO Public File Report was timely uploaded to the station's website by October 1, 2016, due to an oversight it was uploaded to the online public inspection file along with the 2017 EEO Public File Report in September 2017.

With respect to the children's Core Programming Processing Guidelines, the station has certified compliance based on the large amount of children's programming that it provided throughout its license term, which typically met or exceeded the benchmark of three hours per week of core programming (as defined at the time the programming aired), as averaged over six months. During the Third Quarter of 2016, the station experienced numerous preemptions of core children's educational programming because of extraordinary network event coverage, including of the Summer Olympic Games in Rio de Janeiro and inaugural coverage of the British Open/Women's British Open. As described in more detail below, throughout this period, the station faced competing demands to clear new hour-long locally-produced weekend newscasts on Saturday and Sunday mornings and make children's programming preemptions good during acceptable "second homes." Given the national importance of the extraordinary coverage that caused the preemptions, its short duration, and the importance of the news and public affairs programming that the station cleared overall, KOMU-TV submits that preemptions during this period should be treated in the same manner as breaking news coverage. The station aired 2.65 hours per week of children's programming (during core programming hours)¹ averaged over the Third and Fourth Quarters of 2016, which it submits should be rounded to the required 3 hours under these circumstances. Regardless, as is shown below, the station's children's programming efforts clearly demonstrate a commitment at least equivalent to airing three hours per week of Core Programming during this time period.

By way of background, KOMU-TV is operated by the Curators of the University of Missouri in furtherance of their mission as a land-grant university to be "the stewards and builders of a priceless state resource, a unique physical infrastructure and scholarly environment in which our tightly interlocked missions of teaching, research, service and economic development work together on behalf of all citizens."² The station has a long history of service to its viewing public, having provided the area with its first television station, first network programming, first color programming, first high-definition digital television signal and more. A hallmark of the station's service throughout its history has been its news and informational

¹ As described below, the station also aired additional syndicated children's programming between 6:00 and 7:00 am, which could now count as core children's programming.

² See *University of Missouri, Mission and Values* available at: <https://missouri.edu/mission-values> (last visited September 20, 2021).

programming, where again, it was the first to provide the area local, live news coverage via a satellite news gathering truck and the first area station to have Doppler weather radar.³

Consistent with the above, to meet the needs of its local audience for local weekend news, in March 2016, KOMU-TV added new, locally-produced weekend news programs on Saturday morning from 9:00 to 10:00 am and on Sunday morning from 7:00 to 8:00 am.⁴ To accommodate this additional hour of programming on each weekend day, the station had to make a number of changes to its scheduled network programming and supplemental syndicated children's television programming. Because of the addition of the Saturday news program, the station's block of network children's programming starts one hour later than scheduled by the network, ending at 1:00 pm Central Time. Even in some non-Olympic or extraordinary coverage weeks, this later start of the children's block on KOMU-TV means that the station must join live network programming at noon Central Time and move the last hour of its children's programming to a special second home block it has created and consistently adhered to on Sunday mornings, even though other affiliates do not. To accommodate the new hour of local news on Sunday morning, the station had to move its hour of supplemental syndicated children's programming to the 6:00 to 7:00 am hour, before the start of permissible core hours under the former Processing Guidelines, and also re-ran one half-hour at 11:00 am Sunday, adjacent to the second home for any displaced network children's programming airing on a Sunday. The fact that KOMU-TV was already accommodating multiple schedule changes both before and after the preemptions for Olympic and other extraordinary coverage began meant that it was even more constrained in scheduling its children's programming and new news programs, which it was unable to clear at all on a number of occasions, during this period. By way of example, on four weekends in July 2016, KOMU-TV could only clear its new Sunday news program by pushing it into the 6:00 am to 7:00 am hour.⁵ As a result, while the station was able to reschedule many preempted children's program episodes during the Third Quarter of 2016 to second homes, it remained short of available timeslots before, during and after the network's extraordinary coverage, not only for making good its network children's television programming in their normal second homes, but also for its supplemental syndicated children's educational television programming and its new local news programs.

Nevertheless, despite the momentary constriction in children's educational programming to air news, public affairs and extraordinary event coverage that occurred for a few weeks during the Third Quarter of 2016, there can be no doubt but that the package of children's educational and informational programming aired by the station and its non-broadcast efforts to support children in the community are at least equivalent to airing three hours per week of Core

³ See *KOMU Celebrates 50 Years of News and Community Service*, February 9, 2004, available at: <https://journalism.missouri.edu/2004/02/komu-celebrates-50-years-of-news-coverage-and-community-service-2/> (last visited October 20, 2020).

⁴ Following the end of Olympic coverage in September 2016, the station also launched an additional hour of local news from 6:00 am to 7:00 am on Saturday morning, bookending the network Today Show with local news.

⁵ It should be noted that despite these four preemptions, had KOMU-TV been able to count its syndicated programming aired in the 6:00 am to 7:00 am hour as core, as it would be permitted to do under the current Processing Guidelines, the station's average over the Third and Fourth Quarter would have been 2.8 hours per week. See *In the Matter of Children's Television Programming Rules*, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 5822, 5837 (2019) ("the record indicates that a significant number of children today are watching television programming or viewing video content earlier than 7:00 a.m.").

Programming during that quarter. Not only during 2016, but throughout the license term, the station has supplemented the 3 hours per week of children's educational programming provided by the station's network on its primary stream with one to two additional syndicated children's series. As a result, even considering only programming that aired under the prior restrictive second home and core time period policies, in an unprecedented Olympic year, the station still cleared enough program-length, regularly scheduled, weekly core educational and informational programming for children (in pattern or in a second home) on its primary stream in 2016 to average 3 hours per week on that stream for the year. The station also provided its viewers with an average of 4.5 hours of regularly scheduled, weekly, core educational children's television programming on its multicast stream, which had equivalent cable carriage to its primary stream, for the year. Therefore, as can be seen below, viewers of the station's streams in 2016 had access to between 6.3 and almost 9 hours of program-length, regularly scheduled, weekly children's educational television programming weekly across the two streams.⁶

2016
Number of Hours of Regularly Scheduled at Least Weekly Program-Length Children's
Educational and Informational Television Programming Aired By KOMU-TV

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Annual Total
Primary Stream	50 hours	39.5 hours	25 hours	46.5 hours	161 ⁷ hours
Multicast Stream	65 hours	65 hours	65 hours	42 hours	234 hours
Combined Weekly Average	8.85 hours	8.04 hours	6.92 hours	6.32 hours	7.6 hours

⁶ Additionally, the station administers a scholarship program for area students, and in connection with it, aired segments featuring the students selected to receive the scholarships on its primary stream. These announcements provide positive role models for children by highlighting the scholarship recipients' community service and academic and athletic achievements. The segments air outside of the weekend children's programming blocks, and thus can particularly reach older children who may be viewing television at other times. The station also produces and airs spots promoting events in the area that benefit children, helping to assure their success and support children, such as: Show Me State Games, Clean Up Columbia, Float Your Boat for the Food Bank, City of Columbia's Family Fun Fests and Sunsense.

In the area of nonbroadcast efforts, KOMU-TV serves as an important adjunct to the University's renowned School of Journalism, helping to produce generations of journalists trained in the latest techniques and technologies for electronic journalism and who are vital to our democracy and civic life as a nation. KOMU-TV staff members are actively involved in career education both at the University and with community partners targeting younger children. On-air personalities visit area schools where they speak about journalism and broadcasting, and the station often provides tours of the station for schools and children's organizations. Children are escorted through the building, various station operations are explained to them to help them better understand the role of media in their world, and assistance is provided in completing merit badges and school assignments related to the station visit. The station is a frequent donor of prizes to non-profit groups and schools to assist them in their fundraising or providing incentives to students in furtherance of their programs that benefit children as well. *See, e.g.,* FCC File No. 0000012936, Liaison Contact Section.

⁷ It is noted that this amount exceeds the 156 hours of annual core programming required under the current Processing Guidelines. This total also does not include the station's syndicated children's educational programming that moved to the 6:30 am to 7:00 am timeslot on Sundays in March 2016 to accommodate the station's new local Sunday morning news program. If those episodes were included, as would be permitted under the new core hours, the station's total for the year would have been 169.5 hours, which averaged over the year, despite preemptions, would have been 3.2 hours per week.

Under the Processing Guidelines in effect today, KOMU-TV's preemptions for network Olympic and other coverage in the Third Quarter of 2016 would be a complete non-issue. In adopting the new Processing Guidelines, the Commission specifically acknowledged the difficulties that network-affiliated stations faced under the second home policy due to its inflexibility,⁸ demonstrating that relief from the strict application of the 3-hour per week Processing Guideline in situations such as the Olympics and other extraordinary coverage is warranted.

Therefore, as there can be no doubt that even under the requirements of the prior Processing Guidelines, KOMU-TV did and continues to do an exemplary job meeting the Commission's and its viewing public's expectations with respect to the provision of educational and informational programming for children, expeditious grant of its license renewal application by the staff is in the public interest.

⁸ See *In the Matter of Children's Television Programming Rules*, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 5822, 5854 (2019) ("we agree that for many this policy is unnecessarily burdensome and accordingly eliminate it as a requirement for counting rescheduled children's programming toward compliance with the processing guidelines.")