

KRGV-TV
LICENSE RENEWAL EXHIBIT

Online Public Inspection File

Mobile Video Tapes, Inc. (“Licensee” or “Applicant”), licensee of KRGV-TV, Weslaco, TX (Facility ID No. 43328) (“KRGV” or the “Station”) 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 that may be relevant to the foregoing certification, none of which the Applicant believes to constitute a material deficiency in OPIF compliance.

- **Brief Delay for One Quarter of One Annual Children’s Commercial Time Limits Certification and One Children’s Television Programming Report:** At the beginning of 2021, a longtime, 40-year employee of the Station retired, thus requiring—for the first time in decades—new station personnel to learn how to generate and timely file numerous FCC reports, including the annual Children’s Television Programming Report and Children’s Commercial Time Limits Certification. The new staff responsible for those filings (1) mistakenly conflated the two filings, believing (unfortunately incorrectly) that the commercial time limits certification covered KRGV’s compliance with *all* of the children’s television programming rules, and (2) timely generated, but failed thereafter to timely upload, the Station’s commercial time limits certification for the first quarter of 2021.¹ As a result, the Station’s 2021 Children’s Television Programming Report and children’s commercial time limits certification for the first quarter of 2021 were absent from the Station’s OPIF until March 10, 2022—i.e., slightly more than a month after the upload deadline.

The Applicant respectfully submits that neither the Commission nor the public were prejudiced by these misunderstandings. First, the belated upload of the commercial time limits certification applied to only one quarter of 2021, and the certification discloses almost no substantive programming information given the Station’s historic and current practice of airing almost zero programming originally produced and broadcast primarily for an audience of children 12 years of age and younger.² Furthermore, the delay in filing and upload of both a portion of the 2021 Children’s Commercial Time Limits Certification and the 2021 Children’s Programming Report was little more than a month. This brief upload delay—especially when

¹ The Applicant observes that quarterly uploads meet the certification requirement so long as the entire year’s-worth of certification documents are uploaded by the applicable annual deadline. Station personnel continue to generate and upload quarterly certifications as part of the station’s internal processes.

² In January 2021, the Station began airing—and since that time has aired—one program on its .2 multicast stream originally produced and broadcast primarily for an audience of children 12 years of age and younger. The Station has separately addressed that program by uploading to its OPIF an addenda to the Station’s 2021 Commercial Time Limits Certifications.

viewed against the Station's otherwise exemplary upload record throughout the license term—may properly be categorized as *de minimis*.

- **One EEO Public File Report:** Although the Licensee timely prepared and uploaded to the Station's website KRGV's 2014-'15 EEO Public File Report, the report inadvertently was not uploaded to the Station's OPIF until the following year. Nonetheless, the report was available and accessible at all relevant times in a publicly available location—i.e., the Station's website³—and, as exemplified most recently by the Station's successful February 2020 EEO Audit, the Station otherwise has an established track record of diligence regarding its EEO obligations. Given the foregoing, the Station respectfully submits that neither the Commission nor the public were prejudiced by this upload issue.
- **A Few Political File Records:** Throughout the relevant period the Licensee timely both generated and uploaded to the online political file the overwhelming majority of required political file records. However, during the rare and unusual circumstances caused by the COVID-19 national and international pandemic,⁴ the Licensee inadvertently failed to “immediately” upload records in a few isolated instances. The Licensee nonetheless respectfully submits that under the circumstances the Licensee uploaded political file materials “as soon as possible”.⁵ Regardless, and viewed within the context of the station's overall political file recordkeeping compliance, the Licensee respectfully submits that these few isolated upload delays are *de minimis* and do not materially affect the Licensee's aggregate compliance with the political file recordkeeping rule.

* * *

The applicant respectfully submits that none of the foregoing is material to the station's overall compliance with Section 73.3526 of the rules. Indeed, in the past the Commission has issued only an admonishment when various reports and additional OPIF documentation were entirely missing from a renewal applicant's public file. *See, e.g., 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)

³ Compare <http://web.archive.org/web/20150830002827/http://www.krgv.com/about/advertising-information/News-Reporter/29868322> (March 12, 2015, archive showing “EEO Annual Public Report 2013-2014 (PDF)”), with <http://web.archive.org/web/20150415182854/http://www.krgv.com/about/advertising-information/29324020> (April 15, 2015, archive showing “EEO Annual Public Report 2014-2015 (PDF)”).

⁴ 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.

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

Mobile Video Tapes, Inc.
KRGV-TV, Weslaco, TX (Fac. ID No. 43328)
2022 License Renewal Application, Schedule 303-S

(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).

* * * * *

Children's Television Programming Reports

The Licensee made a few reporting errors in KRGV-TV's Children's Television Programming Reports for Third and Fourth Quarter 2017. A corrective amendment to these Reports was uploaded to the Station's online public inspection file as of late March 2022. *See Media Bureau Announces that After December 17, 2019, Television Broadcasters Will No Longer Be Able to Amend Existing or File New Quarterly Children's Television Programming Reports*, 34 FCC Rcd 10491 (rel. Nov. 15, 2019). The renewal certifications regarding Children's Television Programming Reports and related children's certifications are made with respect to the Reports as amended.