

### **Online Public Inspection File**

Despite its substantial compliance with regard to the timely uploading of required documentation to the Station's Online Public Inspection File ("OPIF"), the Licensee has, out of an abundance of caution, responded in the negative with respect to the certification that states: "Licensee certifies that the documentation required by 47 C.F.R. § 73.3526 or 73.3527, as applicable, has been uploaded to the station's public inspection file when required." The Licensee in the instant exhibit provides relevant context regarding the Station's OPIF during the pertinent time period.

- Children's Commercial Time Limits Certifications. Records for First Quarter 2017 regarding commercial time limits in children's programming were uploaded on April 11, 2017, at 8:50 a.m. and 12:39 p.m., i.e., only a few business hours late. Records for Fourth Quarter 2019 regarding commercial time limits in children's programming were uploaded on the morning of January 14, 2020, a few days late. The Licensee submits that the public was not prejudiced by this *de minimis* delay, as all of the Station's children's programming during the relevant time period targeted children ages 13-16 (i.e., not children ages 12 and under).
- Political File Delayed Uploads. Throughout the relevant period, the Licensee timely generated the political file records required by 47 U.S.C. § 315(e), 47 C.F.R. § 73.3526(e)(6) and §73.1943. In retrospect, the Licensee believes that some political records could have been uploaded more quickly to the Station's OPIF. The Licensee is cognizant that its occasional upload delays may not meet the Commission's expectations for immediacy "absent unusual circumstances." 47 C.F.R. § 73.1943(c). However, viewed against the context of the Station's overall political file recordkeeping compliance, the Licensee respectfully submits that any upload delays do not materially affect the Licensee's aggregate compliance with the political file recordkeeping and disclosure rules. The Licensee believes that this is particularly true given that such upload delays generally occurred during the COVID-19 pandemic, when Station personnel responsible for political file uploads had transitioned to remote work, making communication about the political file more difficult and completion of political file tasks more cumbersome. The Licensee respectfully believes that this situation qualifies as an "unusual circumstance" as set forth in Section 73.1943(c). Further, the Licensee observes that it did timely generate political records and that it was capable of providing them to the public at any time, upon request; the Station received no such requests from the public. Finally, in light of its review of the political file during the course of preparing the instant license renewal application, the Station is implementing processes to ensure immediate uploading of required information going forward.
- Note Regarding Children's Commercial Time Limits Certifications and Issues/Programs Lists for Second Quarter, Third Quarter and Fourth Quarter 2014. In the course of preparing the instant renewal application, the Licensee discovered that the Second Quarter 2014, Third Quarter 2014, and Fourth Quarter 2014 (1) records regarding commercial time limits in children's programming, and (2) issues/programs lists do not currently appear on the public-

facing side of the Station's OPIF, despite the fact that the Licensee had timely uploaded such reports when required. Upon further review of the non-public-facing side of the Station's OPIF, the Licensee discerned that such records appear to have been inadvertently deleted in 2018. As of the date of submission of the instant application, the Licensee has contacted FCC Staff in an effort to have the inadvertently deleted reports restored to the Station's OPIF to reflect their respective timely uploads. As of the filing of the instant application, such documents have not been restored to the public-facing side of the OPIF, but the Licensee continues to communicate with Staff and has been assured that such documents will be restored shortly after the application's filing. The Licensee has copied below screen shots that it took of the non-public-facing side of the Station's OPIF reflecting the timely uploads of the aforementioned records.

\* \* \* \* \*

The Licensee respectfully submits that the limited circumstances described in this exhibit should not negatively impact a determination of KBMY's overall compliance with the online public inspection file requirements during the license term.

**Screen Shots Demonstrating Timely Upload of  
2Q, 3Q, and 4Q Commercial Certification Records and Issues/Programs Lists**

**Second Quarter 2014**

Uploaded a file <b>2014 2nd QTR Litton Childrens Cert.pdf</b>	Records Concerning Commercial Limits in Childrens Programs/2014 2nd QTR Certs	07/09/2014 3:37 PM
Uploaded a file <b>2014 2nd Qtr ABC Issues.pdf</b>	Issues and Programs Lists/2014 2nd QTR	07/09/2014 11:23 AM

**Third Quarter 2014**

Uploaded a file <b>2014 3rd Qtr Litton Childrens Certificate.pdf</b>	Records Concerning Commercial Limits in Childrens Programs/2014 3rd QTR Certs	10/07/2014 11:44 AM
Uploaded a file <b>2014 3rd Qtr ABC Issues.pdf</b>	Issues and Programs Lists/2014 3rd QTR	10/06/2014 6:48 PM

**Fourth Quarter 2014**

Uploaded a file <b>2014 4th Qtr Litton Childrens Certificate.pdf</b>	Records Concerning Commercial Limits in Childrens Programs/2014 4th QTR Certs	01/08/2015 12:40 PM
Uploaded a file <b>2014 4th Qtr ABC Issues.pdf</b>	Issues and Programs Lists/2014 4th QTR	01/08/2015 12:37 PM