

MPS Media of Tennessee License, LLC
WFLI-TV, Cleveland, Tennessee (Facility ID No. 72060)
FCC Form 2100, Schedule 303-S
Amendment

Amendment

MPS Media of Tennessee License, LLC (“Licensee”), hereby amends the pending license renewal application (LMS File No. 0000142526), for WFLI-TV, Cleveland, Tennessee (Facility ID No. 72060) (“WFLI-TV”) to:

- (1) Update its disclosures regarding FCC violations during the preceding license term by providing the information below; and
- (2) Change the answer to the Children’s Programming Commercial Limitations Certification from “Yes” to “No,” and to provide the information below.

No other changes to WFLI-TV’s license renewal application are being made herein.

1. Children’s Programming Commercial Limitations

As a standard practice, Licensee formats all programming broadcast on WFLI-TV designed for children ages 12 and under to allow no more than 10.5 minutes of commercial matter per hour on weekends and 12 minutes per hour on weekdays. During the current license term, and except as disclosed herein, Licensee generally adhered to these limits for commercials aired during children’s programming on WFLI-TV. Licensee notes, however, that, as reflected in the Q4 2018 Commercial Limits Certification available in WFLI-TV’s online public inspection file (“OPIF”), WFLI-TV aired a commercial for Hot Wheels Super Ultimate Garage 11 times during 8 episodes of *Team Hot Wheels* between November 10, 2018 and December 16, 2018. That advertising was included in the programming as received by WFLI-TV from its programming provider, and the commercial was pulled from the program immediately upon discovery.¹

¹ Licensee’s failure to disclose in WFLI-TV’s initial license renewal application this apparent violation of Section 73.670 of the Commission’s rules was an inadvertent oversight which Licensee is hereby rectifying. Licensee did not intend to conceal this matter from the Commission, as it was already disclosed to the FCC through WFLI-TV’s OPIF. *See, e.g., Application of Greater Muskegon Broadcasters, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd. 15464, 15472 (1996) (finding no intent to deceive when information was already on file with the FCC); *Eddie Floyd, et al.*, Order to Show Cause, Hearing Designation Order, and Notice of Apparent Liability, 25 FCC Rcd. 11348, 11351, ¶ 8 (2010) (“The mere existence of an inaccuracy in any application, without any indication that there was intentional deception, is insufficient to justify consideration of a misrepresentation or lack of candor issue . . .”).

2. FCC Violations During Preceding License Term

- (a) ***DIRECTV, LLC; AT&T Services, Inc. v. Deerfield Media, Inc., et al.,***
MB Docket No. 19-168, CSR. No. 8979-C

Licensee further updates its previous response to report that the deadline for payment of the forfeiture issued under the July 28, 2021 *Forfeiture Order* (FCC 21-89)² against Licensee has expired, but no collection action has been instituted against Licensee.

- (b) ***Cunningham Broadcasting Corporation, et al.,*** NAL/Acct. No.
202241420028

On September 21, 2022, the Commission released a *Notice of Apparent Liability for Forfeiture* (FCC 22-70) (“NAL”),³ finding that Licensee, together with a number of other broadcast television licensees, apparently violated Section 73.670 of the Commission’s rules by failing to comply with the limits on commercial matter in children’s programming by airing the programming discussed above.⁴ The Commission prescribed a forfeiture for Licensee in the amount of \$20,000 for these apparent violations.⁵

Concurrently with the filing of this Amendment, Licensee is filing a response to the *NAL*, in which it requests that the Commission: (1) stay the issuance of any monetary forfeiture against Licensee resulting from the *NAL* until the Commission has acted upon the response to the *NAL* being filed by Sinclair Broadcast Group, Inc. (“Sinclair”), the provider of the programming and advertising in question; and (2) consolidate any subsequent forfeiture proceedings against Licensee and the other broadcast television licensees listed in the *NAL*.⁶

² See generally *DIRECTV, LLC; AT&T Services, Inc. v. Deerfield Media, Inc., et al.*, Forfeiture Order, 36 FCC Rcd. 12078 (2021).

³ See generally *Cunningham Broadcasting Corp., et al.*, Notice of Apparent Liability for Forfeiture, FCC 22-70 (rel. Sept. 21, 2022).

⁴ *Id.* at ¶ 1 (citing 47 C.F.R. § 73.670).

⁵ *Id.* at ¶ 46.

⁶ See *GOCOM Media of Illinois, LLC, et al.*, Joint Response to Notice of Apparent Liability for Forfeiture at 3 (Oct. 21, 2022).