

Online Public Inspection File

The Licensee has certified in the negative to the question asking whether the documentation required by 47 C.F.R. § 73.3526 has been uploaded to the station's public inspection file when required.

The negative certification is based on one isolated circumstance described below:

- Through an inadvertent oversight, the Licensee uploaded the 2021 Certification of Compliance with Children's Commercial Limits to the online public inspection file approximately 9 ½ months late. The Certification was timely prepared and available locally at all relevant times, but station personnel had not become accustomed to the newer annual upload cadence for this documentation. WPXT(TV) did not air any programming primarily intended for children 12 years of age and younger during the 2021 calendar year. Accordingly, none of the station's programming broadcast during 2021 was subject to commercial time limits. *See* 47 C.F.R. § 73.670.

The Licensee further explains the following circumstances, which may at first appear to, but do not in fact, impact the timeliness of uploads:

- The Fourth Quarter 2018 Issues/Programs Report and Certification of Compliance with Children's Commercial Limits were each timely uploaded to the online public inspection file once the federal government reopened after a shutdown.
- The First Quarter 2020 Issues/Programs Report was timely uploaded to the online public inspection file pursuant to a blanket extension granted by the Media Bureau related to the COVID-19 pandemic.

The Commission has previously granted license renewal applications, or issued enforcement decisions in the context of license renewals, without monetary sanctions in situations analogous to the single late upload referenced above, including when licensees have been later than the Licensee in uploading materials to the online public file. *See, e.g., Allen Broadcasting Corp.*, Notice of Apparent Liability, 30 FCC Rcd 4512 (MB 2015) (admonishment but no monetary sanction for failure to timely upload to the online public inspection file issues/programs lists from the period prior to the online public inspection file implementation date until nearly 18 months after the deadline); *NPG of Oregon, Inc.*, Notice of Apparent Liability, 30 FCC Rcd 4782 (MB 2015) (same, but uploaded nearly 19 months after the deadline); *see also* LMS File Nos. 0000188502, 0000188302, 0000188346 (renewal applications granted with no further action when, in each case, the applicant disclosed several late uploads). The Licensee respectfully requests similar treatment under the

circumstances of this case involving one delayed upload.

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