

Supplemental Public File Exhibit

The purpose of this amendment is to disclose that, to the extent it was required to do so, KVMD Licensee Co., LLC ("Licensee") did not place a copy of its Multicast Broadcast Agreement with WCETV in the Station's online public inspection file within 30 days of execution.

KVMD TV, LLC entered into a Multicast Broadcast Agreement with WCETV on August 10, 2009.

Pursuant to Section 73.3526(e)(14) of the Commission's rules, a licensee shall place "a copy of every agreement or contract involving time brokerage of the licensee's station or of another station by the licensee, whether the agreement involves stations in the same markets or in differing markets . . . within 30 days of execution." 47 C.F.R. § 73.3526(e)(14). Section 73.3526(e)(14) does not define a "time brokerage agreement." However, it is clear from the plain language of the rule, additional rule provisions, and subsequent Commission guidance, that a time brokerage agreement only includes agreements between stations and does not extend to any other agreement for programming time.

As noted above, Section 73.3526(e)(14) expressly limits a time brokerage agreement to one that "involves stations in the same markets or in differing markets." In a 2019 Public Notice, the Media Bureau reiterated that the filing requirement applies to "agreements involving stations that are in the same market or in different markets." *See Media Bureau Reminds All Commercial Broadcasters of the Obligation to Place Time Brokerage, Joint Sales, and Shared Services Agreements In Their Public File*, DA 21-305 (MB rel. Mar. 12, 2021). Although the Public Notice went on to explain that "[r]egardless of how an agreement is styled or labeled, if it covers the provision of programming time, sale of advertising, or provision of services among commercial broadcast stations, it must be retained in the station's OPIF," it cited for that proposition Note 2(j) to Section 73.3555, which it described as "defining time brokerage or local marketing agreements, by which *one station* provides programming to, and sells the advertising time for, *another in-market station*" (emphasis added).

At the time KVMD TV, LLC entered into the Multicast Broadcast Agreement with WCETV, the Licensee was not aware that: (1) the legal name of WCETV is R&C Media Group, Inc. or (2) R&C Media Group, Inc. d/b/a WCETV is the licensee of low power television station KSBT-LD.

Even if Licensee has been aware that WCETV was the licensee of another station, it still would not have been required to upload the agreement to its online public inspection file.¹ The purpose of the public file requirement is to disclose information that may be relevant to attribution. *Cf. Matter of Rev. of the Commission's Reguls. Governing Attribution of Broad. & Cable/mds Ints. Rev. of the Commission's Reguls. & Pol'ys Affecting Inv. in the Broad. Indus. Reexamination of the Commission's Cross-Int. Pol'y*, Report and Order, 14 FCC Rcd. 12559 1111 92-93 (1999) (explaining that the reporting requirements allow the FCC and others "to monitor time brokerage agreements"); 47 C.F.R. § 73.3555, Note 2(j) (discussing attribution of time brokerage agreements). Given that low power television stations are never attributable, the term "stations" as used in Section 73.3526(e)(14) must refer only

¹ Television licensees were not required to begin uploading new documents to their online public inspection file until August 2, 2012. *Effective Date Announced For Online Publication Of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd. 7478 (MB 2012).

to full power television stations. Nevertheless, out of an abundance of caution, the Licensee uploaded the agreement with WCETV (along with all other programming agreements for KVMD) to KVMD's online public inspection file on December 27, 2022.