

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 Licensee's certification applies with respect to the beginning of the license term, May 14, 2015 (the date KFXO-CD's last renewal application was granted), through the present. *See Fox Television Stations, Inc.*, 33 FCC Rcd 7221 (2018), ¶¶ 31-32.

The negative certification is based on the small number of circumstances related to the KFXO-CD online public inspection file (OPIF) described below:

- Three Delayed Uploads. The Certification of Compliance with Commercial Limits in Children's Programs for the year 2021 was uploaded two (2) days late; however, this brief delay only impacted half of the year as children's commercial limits compliance data for First and Second Quarters 2021 was uploaded before the deadline and available for public inspection.

The Certification of Continuing Class A Eligibility for Fourth Quarter 2016 was uploaded three (3) months late. KFXO-CD met the Class A eligibility requirements for the entirety of the license term.

The Issues/Programs Report for First Quarter 2021 was uploaded two (2) days late.¹

Additional context is provided for the following circumstances, which may appear to, but do not in fact, raise timeliness concerns with respect to the OPIF:

- 2015 Biennial Ownership Report. Please refer to the Biennial Ownership Report exhibit related to the late-filed 2015 Biennial Ownership Report for "parent entity" trusts. The Licensee's and its direct corporate parent's Reports for 2015 were timely filed and all beneficial owners were timely disclosed.
- Misfiled Children's Television Programming Report. The Licensee inadvertently filed the Children's Television Programming Report for Fourth Quarter 2015 as the First Quarter 2016 Report (in other words, the Licensee selected the wrong quarter when submitting its Fourth Quarter 2015 children's television programming data). The misfiled Report was timely filed by the Fourth Quarter 2015 deadline. Upon discovery of the error in the identification of the applicable quarter, the Licensee refiled the Report on

¹ In a handful of instances timely uploaded Issues/Programs Reports were over-inclusive in that data for one or more prior quarters were included.

January 12, 2016.

- Political File. With respect to political file records required by 47 C.F.R. § 73.3526(e)(6) and § 73.1943, the Licensee generally had a strong track record for political file upload performance. In one instance of note during the 2022 primary season, the Licensee was approximately two weeks late to upload a candidate order placed a few days in advance of the scheduled broadcast of political spots ordered. The Licensee received additional training from counsel related to this situation. The reason for the delay was primarily related to higher than normal political volume for the primary election and limited staff resources related to the ongoing COVID-19 pandemic. The Licensee respectfully submits that this isolated instance, particularly against the backdrop of the COVID-19 pandemic, is de minimis for compliance purposes.
- Timely Upload Following Shutdown. The Fourth Quarter 2018 Issues/Programs Report, Certification of Continuing Class A Eligibility, and Certification of Compliance with Commercial Limits in Children's Programs were timely uploaded to the OPIF once the federal government reopened after shutdown.

The Licensee respectfully submits that the circumstances described in this exhibit should not negatively impact a determination of KFXO-CD's overall compliance with its public inspection file obligations during the license term.

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