

Core Programming Processing Guidelines

The Licensee has certified in the affirmative to the question asking whether, for the period of time covered by this application, it has complied with the Core Programming criteria and Core Programming Processing Guidelines, as required by the Commission's rules that were in effect at the time the Core Program was aired. This exhibit provides context to KMIZ's children's E/I programming performance during Fourth Quarter 2015 and First Quarter 2018 Reports (as reflected in the filed Reports and amendments uploaded to the Additional Documents folder of the online public inspection file) that might otherwise not be obvious from the Reports. When viewed across the license term, in those two quarters the station experienced *de minimis* compliance issues with the following aspects of its children's E/I programming.

In Fourth Quarter 2015 the station experienced a technical difficulty with master control on November 21, 2015, that caused regularly children's E/I programming on its main program stream not to air that day. KMIZ personnel attempted to reschedule the programs to the second home. Due to scheduling difficulties on November 22, 2015, five of the six episodes preempted the previous day aired on November 22, but ran at times that were not the second home. As such, then-applicable Commission rules would not permit these episodes to count toward children's E/I compliance. This caused the average weekly total of Core Programming on the main program stream to fall to 2.91 hours averaged over six months (2.81 for Fourth Quarter 2015 and 3.0 for the prior and subsequent quarters).

Out of an abundance of caution, the Licensee also wishes to explain an artificial underage for First Quarter 2018. KMIZ reported 2.92 average weekly hours of Core Programming on the main program stream for First Quarter 2018 (see amendments in the Additional Documents folder)—2.98 averaged over six months when considering the prior quarter (3.04 for Fourth Quarter 2017 and 2.92 for First Quarter 2018). Two children's E/I programs aired on Sundays during First Quarter 2018, and there were only 12 Sundays during this period. Thus, all children's E/I programs aired as planned (or were made-good in the second home) during the First Quarter 2018. The total was artificially low due to the manner in which weekends fell during the quarter.

Viewed against the station's aggregate performance and commitment to airing children's E/I programming across the license term and across its several program streams, the Licensee respectfully submits that the foregoing issues are merely *de minimis* for compliance purposes. In particular, "licensees are eligible for staff level approval if they demonstrate that they have aired a package of different types of educational and informational programming that, while containing somewhat less core programming than indicated by the applicable guideline, demonstrates a level of commitment to educating and informing children at least equivalent to airing the amount of programming indicated by the guideline." *In re Children's Television Obligations of Digital Television Broadcasters*, 21 FCC Rcd 11065, 11102 n.141 (2006). Across the license term, and as can be seen from the relevant Children's Television Programming Reports (as amended), the licensee

has satisfied and generally exceeded the safe harbor processing average, particularly on the station's multicast channels where the station consistently aired well more than the minimums required for multicast streams. When viewed in the context of these circumstances, a small shortfall of 0.09 hours in one quarter (and, to the extent necessary to consider, .02 in a second quarter) averaged over six months is similar to prior shortfalls Commission Staff have determined to be *de minimis*. See, e.g., CDBS File No. No. BRCDT-20120731ABX (reporting one quarter shortfall of 2.86; renewal granted without sanction); LMS File No. 0000127460 (one quarter shortfall of 2.96; renewal granted without sanction). The Licensee respectfully seeks similar treatment here.

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