



Federal Communications Commission
Washington, D.C. 20554

May 11, 2016

Peter Tannenwald
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Re: WYCX-CD
Manchester, etc., New Hampshire
Facility ID No. 26996

Dear Counsel:

We have reviewed the Children's Programming Reports (FCC Form 398) of Class A television station WYCX-CD, Manchester, Etc., NH, licensed to Cross Hill Communications (Cross Hill), as part of our review of the station's license renewal application.¹ As a Class A station licensee, station WYCX-CD must comply, *inter alia*, with Section 73.671(a) of the Commission's rules, which requires a licensee "to serve, over the term of its license, the educational and informational needs of children through both the licensee's overall programming and programming specifically designed to serve such needs."² Such programming must satisfy certain criteria, including "serving the educational and information needs of children 16 and under as a significant purpose."³

We are concerned that Cross Hill stated in the Station's license renewal application that, at some point in the prior license term, the Station's children's programming program supplier, TuffTV, removed the "E/I" designation from its schedule for *Planet X*, which is the Station's only children's program.⁴ While in this instance we will defer to the licensee's good faith judgment regarding programming, we remind Cross Hill that reliance on a program's source or producer for compliance with our children's television rules and policies will not excuse or mitigate violations which do occur.⁵ We encourage Cross Hill to be more attentive in its dealings with its children's program supplier(s), especially as it relates to the acquisition and airing of children's programming.

¹ File number BRTTA-20140722AAC (amended Apr. 18, 2016) (WYCX-CD Renewal).

² 47 C.F.R. §73.671(a). See *Children's Television Act of 1990*, Pub. L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. Sections 303a, 303b and 394.

³ 47 C.F.R. §73.671(c)(1).

⁴ *Planet X* was on average 91 times per quarter and aired daily at 9:00am. Cross Hill contends that regardless of the decision by TuffTV, *Planet X* meets the information and educational needs of children under the age of 16. Furthermore, because the E/I bug was added by the Station, not the program supplier, the program displayed the E/I bug throughout the entire license term. Beginning in November 2015 the Station began airing other children's programming in order to meet its children's programming obligation. WYCX-CD Renewal at Exhibit 1.

⁵ See, e.g., *WTXX, Inc.*, Admonishment Letter, 22 FCC Rcd 11968 (Vid. Div. 2007); *Max Television of Syracuse, L.P.*, Notice of Apparent Liability for Forfeiture, 10 FCC Rcd 8905 (MMB 1995).

No further action is required on the licensee's part with regard to its Children's Television Programming Reports for the license period under review or any other matters disclosed in the Station's license renewal application.⁶

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁶ Cross Hill also disclosed in its license renewal application that immediately after acquiring the Station on August 3, 2012, it failed to upload or file in a timely manner required public file documents, including the Station's TV issues/programs lists, commercial limit certifications, Children's Television Programming Reports, and Class A continuing eligibility certifications. The licensee disclosed these late-filings, and certified that it failed to place certain required documents into the Station's public file in a timely manner in response to Section IV, Question 3. In light of the facts and circumstances we have decided to consider these violations to be *de minimis* and as such decline to take any enforcement action against the Station. We do not rule out more severe sanctions for a similar violation of this nature in the future.