Federal Communications Commission
Washington, D.C. 20554

Joseph H. Harpole, Sr.
P O Box 709
Union City, TN 38261

Re: WUWT-CD, Union City, TN
Facility ID No. 32216

Dear Licensee:

This is with respect to station WUWT-CD, Union City, TN, licensed to Joseph H. Harpole, Sr. This station is currently licensed as a Class A television station, which is accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 ("CBPA").[1]

To qualify for Class A status, the CBPA provides that, during the 90 days preceding enactment of the statute, a low power television station must have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station; and (3) been in compliance with the Commission's rules for low power television stations.[2] Class A licensees must continue to meet these eligibility criteria in order to retain Class A status.[3]

In addition, beginning on the date of its application for a Class A license and thereafter, the CBPA requires that a station must be "in compliance with the Commission's operating rules for full-power television stations."[4] In implementing the CBPA and establishing the Class A television service, the Commission applied to Class A licensees all Part 73 regulations except for those that could not apply for technical or other reasons. Among the Part 73 requirements that apply to Class A licensees are the Commission's main studio requirements;[5] rules governing informational and educational children's programming and the limits on commercialization during children's programming; the requirement to identify a children's programming liaison at the station and to provide information regarding "core" educational and informational programming aired by the station to publishers of television program guides; the public inspection file rule, including preparing and placing in the public inspection file on a quarterly basis an issues/programs list and the station's quarterly-filed FCC Form 398 (Children's Television Programming Report); the political programming rules; station identification requirements; and the Emergency Alert System (EAS) rules.[6] Class A television licensees are also subject to the regulations regarding fines and penalties applicable to full power television stations, and are subject to loss of Class A status if they fail to meet these ongoing program service and operating requirements.[7]

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[1] Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336f .
[2] 47 U.S.C. § 336f(f)(2)(A)(i).
[3] 47 U.S.C.. § 336(f)(1)(A)(ii); 47 C.F.R. § 73.6001(b).
[4] 47 U.S.C. § 336(f)(2)(A)(ii).
[5] *In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000)("*R & O*"), Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8254-56 (2001)("*MO & O on Recon*"). This includes maintaining a meaningful management and staff presence of at least two full-time personnel in order to serve the needs and interests of the residents of the station's community of license.
[6] *R & O*, 15 FCC Rcd at 6366
[7] *MO & O on Recon*, 16 FCC Rcd at 8257.

As discussed above, Class A television stations must prepare a Children's Television Programming Report for each calendar quarter reflecting efforts made by the licensee during the quarter, as well as efforts planned for the next quarter, to serve the educational and informational needs of children. The licensee must place a copy of each quarterly report in its station's public inspection file by the tenth day of the succeeding calendar quarter (i.e., by April 10 for the first quarterly report; by July 10 for the second quarterly report; by October 10 for the third quarterly report; and by January 10 for the fourth quarterly report). In addition, FCC Form 398 (Children's Television Programming Report) must be filed electronically with the Commission on a quarterly basis on the following dates: April 10 for the first quarterly report; July 10 for the second quarterly report; October 10 for the third quarterly report; and January 10 of the succeeding year for the last quarterly report.[8] The forfeiture guidelines adopted by the Commission establish a base forfeiture penalty of $10,000 for violation of the public file rules and a base forfeiture penalty of $3,000 for failure to file required forms and information.[9]

Commission records indicate that Joseph H. Harpole, Sr. failed to make the required Form 398 electronic filings for station WUWT-CD for all four quarters of 2010. In order to complete our investigation of potential rule violations by the station, you are required to provide information identifying quarters in 2010 for which a Children's Television Programming Report was prepared, the dates on which they were prepared and placed in the station's public file, and the location of the public file. Your submission must be supported by the declaration of a person with personal knowledge of the facts.[10] Please direct your response to Joyce L. Bernstein, Video Division, Media Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, and electronically to joyce.bernstein@fcc.gov.

In the event that the failure to make quarterly FCC Form 398 filings and/or to prepare and place quarterly Children's Television Programming Reports in the station public file was due to Joseph H. Harpole, Sr.'s election to let station WUWT-CD revert to low power television status, you need only notify us of this election and request a change in status for the station.[11] Failure to provide the requested information or request a change in station status within 30 days from the date of this letter will result in the institution of a forfeiture proceeding and/or loss of Class A television status.

Sincerely,

Barbara A. Kreisman, Chief
Video Division, Media Bureau

[8] *See* 47 C.F.R. §§ 73.621, 73.3626 and 73.6026.
[9] 47 C.F.R. § 1.80(b)(4).
[10] See 47 C.F.R. § 1.16.
[11] *See* 47 C.F.R. § 73.6001(d).