Federal Communications Commission
Washington, D.C. 20554

April 11, 2016

DA 16-389
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WatchTV, Inc.
c/o Peter Tannenwald
Fletcher, Heald & Hildreth, P.L.C.
Arlington, VA 22209

Re: KORK-CD, Portland, OR
Facility ID: 71079
KORY-CD, Eugene, OR
Facility ID: 71070
KABH-CD, Bend, OR
Facility ID: 167799
KOXI-CD, Portland, OR
Facility ID: 71074
KKEI-CD, Portland, OR
Facility ID: 71078
KOXO-CD, Portland, OR
Facility ID: 71080
KORS-CD, Portland, OR
Facility ID: 71069
FRN: 0020497590

Dear Licensee:

This letter is in reference to the license renewal applications for stations KORK-CD, Portland, OR; KORY-CD, Eugene, OR; KABH-CD, Bend, OR; KOXI-CD, Portland, OR; KKEI-CD, Portland, OR; KOXO-CD, Portland, OR; KORS-CD, Portland, OR (collectively "Stations"), which are licensed to WatchTV, Inc. ("Licensee"). We hereby admonish the Licensee for its violation of Sections 73.3526(b)(2) and 73.3526(e)(11)(ii) the Commission's rules ("Rules").[1]

Section 73.3526 of the Rules requires each commercial broadcast licensee to maintain a public inspection file containing specific types of information related to station operations.[2] In particular, Section 73.3526(e)(11)(ii) of the Rules requires each commercial television broadcast station to place in its public inspection file records sufficient to allow substantiation of the licensee's certification, in its

[1] 47 C.F.R. §§ 73.3526(b)(2), 73.3526(e)(11)(ii).

[2] 47 C.F.R. § 73.3526.

renewal application, of its compliance with the children's television commercial limits imposed by Section 73.670 of the Rules ("commercial limits certification").[3] A station's commercial limits certification must be placed in its public inspection file on a quarterly basis by the tenth day of the succeeding calendar quarter.[4] In 2012, the Commission adopted Section 73.3526(b)(2) of the Rules requiring licensees to upload elements of stations' public files to an online Commission hosted website (*i.e.*, a Station's "e-pif").[5] This requirement includes uploading copies of any documents that would otherwise be placed in a station's public file, with limited exception, to the station's e-pif.[6] Broadcasters' e-pif requirements were phased in between August 2012 and February 2013.[7]

On October 1, 2014, the Licensee filed its license renewal applications (FCC Form 303-S) for the Stations.[8] Licensee revealed that it prepared annual children's television commercial limits certifications, rather than quarterly certifications, for the years 2007 through 2011. A staff inspection of the Stations' e-pifs confirmed Licensee's disclosures. Licensee states that it commenced quarterly commercial limit certifications in 2012 when the Commission made clarifications concerning the online public file.[9] Although corrective actions may have been taken to prevent future violations, this does not relieve the Station from liability for violations which have already occurred.[10] Upon further review of the e-pifs, Staff also discovered that Licensee, in violation of Section 73.3526(b)(2) of the Rules, failed to upload all documents that would otherwise be placed in a station's public file, such as its commercial limits certifications and issues programs list, to its e-pifs by the August 2, 2012 and February 4, 2013 established deadlines. Licensee did not upload required documents to its e-pifs until late March of 2013.

While these late filings constitute a violation of Sections 73.3526(b)(2) and 73.3526(e)(11)(ii) of the Rules, we have determined that an admonition is appropriate at this time. Therefore, based upon the

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[3] *See* 47 C.F.R. § 73.670.

[4] 47 C.F.R. § 73.3526(e)(11)(ii).

[5] 47 C.F.R. § 73.3526(b)(2).

[6] *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement for Children's Television Programming Report*, Second Report and Order, 27 FCC Rcd 4535 (2012) ("*Second Report and Order*")(requiring broadcast television stations to post their public inspection files, with limited exception, to an online Commission-hosted database).

[7] Beginning August 2, 2012, stations were required to post any document that would otherwise be placed in a station's public file, with limited exception, to their e-pif on a moving forward basis. By February 4, 2013, stations were required to upload to their e-pif, with limited exceptions, documents that were already in their physical public file prior to August 2, 2012. *See Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (2012); *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, 27 FCC Rcd 15315 (2012); *Television Broadcast Stations Reminded of the Upcoming Public Inspection Filing Deadline*, Public Notice, 28 FCC Rcd 429 (2013); *see also Second Report and Order*, 27 FCC Rcd at 4580, para. 97.

[8] File Nos. BRTTA-20141001CIB ("KOXI-CD Renewal"); BRTTA-20141001CHW ("KORK-CD Renewal"); BRTTA-20141001CHZ ("KQRY-CD Renewal"); BRTTA-20141001CHV ("KKEI-CD Renewal"); BRDTA-20141001CHU ("KABH-CD Renewal"); BRTTA-20141001CIC ("KOXO-CA Renewal"); BRDTA-20141001CHX ("KORS Renewal")(collectively "Station Renewals").

[9] Station Renewals at Exhibits 20.

[10] *See International Broadcasting Corp.*, Memorandum Opinion and Order, 19 FCC 2d 793, 794 (1969) (permitting mitigation as an excuse based upon corrective action following a violation would "tend to encourage remedial rather than preventive action").

facts and circumstances before us, we **ADMONISH** the Licensee for its violation of Sections 73.3526(b)(2) and 73.3526(e)(11)(ii) of the Rules. We do not rule out more severe sanctions for similar violations of this nature in the future. We also remind the Licensee that the Commission expects all television licensees to comply with the Commission's public inspection file rules, including the requirement to upload certain public file documents to a Station's e-pif in a timely manner.

Accordingly, **IT IS ORDERED** that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to the licensee at the address listed above.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau