



Federal Communications Commission
Washington, D.C. 20554

December 28, 2005

DA 05-3317

Released: December 28, 2005

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Telecentro of Puerto Rico, LLC
WTIN(TV)
c/o LIN Television Corporation
4 Richmond Square
Providence, RI 02906

Re: Telecentro of Puerto Rico, LLC
WTIN(TV), Ponce, PR
Facility ID No. 26681
File No. BRCT-20041001AVU

Dear Licensee:

This refers to your license renewal application for station WTIN(TV), Ponce, PR.

Section 73.3526 of the Commission's Rules (Rules) requires broadcast licensees to maintain a public inspection file containing specific types of information related to station operations.¹ Pursuant to Section 73.3526(e)(11)(iii) of the Rules, each commercial television broadcast station is required to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children.² Section 73.3526 of the Rules also requires commercial television stations to file the reports with the Commission and to publicize the existence and location of the reports. In addition, Where lapses occur in maintaining the public file, neither the negligent acts nor omissions of station employees or agents, nor the subsequent remedial actions undertaken by the licensee, excuse or nullify a licensee's rule violation.³

On October 1, 2004, you filed the above-referenced renewal application for station WTIN(TV). In response to Section IV, Question 10 of that application, you certified that, station WTIN(TV) failed to publicize the existence and location of the station's Children's Television Programming Reports, as set forth in Section 73.3526(e)(11)(iii) of the Rules. In Exhibit 24 to station

¹ See 47 C.F.R. § 73.3526.

² 47 C.F.R. § 73.3526.

³ See *Padre Serra Communications, Inc.*, 14 FCC Rcd 9709 (1999) (citing *Gaffney Broadcasting, Inc.*, 23 FCC 2d 912, 913 (1970) and *Eleven Ten Broadcasting Corp.*, 33 FCC 706 (1962)); *Surrey Range Limited Partnership*, 71 RR 2d 882 (FOB 1992).

WTIN(TV)'s renewal application, you state that the licensee discovered that station WTIN(TV) did not publicize the existence and location of its Children's Television Programming Reports. You indicate that in September 2004, the licensee implemented measures to ensure future compliance.

Moreover, in response to Section IV, Question 3 of the renewal application, you certify that, during the previous license term, station WTIN(TV) failed to place in its public inspection file at the appropriate times, all of the documentation required by Section 73.3526 of the Commission's Rules. In Exhibit 17 of that application, you indicate that the licensee acquired station WTIN(TV) in May 2004 pursuant to prior Commission consent. You also state that since consummation, the licensee has been unable to locate the public inspection filed maintained by the prior licensee. Further, you report that the licensee has attempted to locate or re-create the missing documents and to assemble a complete public inspection file. You state, however, that the licensee has not been able to locate or re-create all missing documents from the pre-consummation period. In addition, you indicate that during the five months since consummation, not all required documents were placed in the public file at the appropriate times. You maintain that the public file is now being maintained and will continue to be maintained in accordance with the Commission's Rules.

Our records confirm that on April 27, 2004, the Commission granted an application to assign the license of station WTIN(TV) from Laura Nicolau to Televiscentro of Puerto Rico, LLC (Televiscentro) (BALCT-20040301ABU). That assignment transaction was consummated on May 6, 2004. Accordingly, we will not consider the violations reported in station WTIN(TV)'s renewal application which occurred prior to the date on which Televiscentro acquired the license for station WTIN(TV).

It appears from the information before us that the violations described in your renewal application after Televiscentro acquired the license for station WTIN(TV) were isolated occurrences. Finding you fully qualified to remain a Commission licensee, we conclude that a grant of your application for renewal of license for station WTIN(TV) would serve the public interest, convenience and necessity, and BRCT-20041001AVU IS HEREBY GRANTED.

Finally, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Televiscentro of Puerto Rico, LLC at the address listed above, and to its counsel, Margaret L. Tobey, Esquire, Morrison & Foerster LLP, 2000 Pennsylvania Avenue, N.W., Suite 5500, Washington, D.C. 20006.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau