



Federal Communications Commission
Washington, D.C. 20554

December 28, 2005

DA 05-3319

Released: December 28, 2005

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

WXII Hearst-Argyle Television, Inc.
WXII-TV
c/o Brooks, Pierce, et al.
P.O. Box 1800
Raleigh, NC 27602

Re: WXII Hearst-Argyle Television, Inc.
WXII-TV, Winston-Salem, NC
Facility ID No. 53921
File No. BRCT-20040730ASV

Dear Licensee:

This refers to your license renewal application for station WXII-TV, Winston-Salem, NC.

In the 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, Congress directed the Commission to adopt rules, *inter alia*, limiting the number of minutes of commercial matter that television stations may air during children's programming, and to consider in its review of television license renewals the extent to which the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the Commission adopted Section 73.670 of the Rules, 47 C.F.R. § 73.670, which limits the amount of commercial matter which may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays. *Children's Television Programming*, 6 FCC Rcd 2111, 2118, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991). The commercial limitations became effective on January 1, 1992. *Children's Television Programming*, 6 FCC Rcd 5529, 5530 (1991).

On July 30, 2004, you filed the above-referenced application for renewal of license for station WXII-TV. In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WXII-TV failed to comply with the limits on commercial matter in children's programming specified in Section 73.670 of the Commission's Rules. In Exhibit 19 to the renewal application, you indicate that station WXII-TV exceeded the children's television commercial limits by 15 seconds on June 19, 2004. You attribute the June 19th overage to inadvertence and describe the measures taken to prevent a recurrence.¹

¹ You state that the parent company of WXII Hearst-Argyle Television, Inc. acquired control of station WXII-TV on March 18, 1999 and that consequently, your certifications are limited to the period March 18, 1999 to present.

It appears from the information before us that the overage in question was an isolated and inadvertent violation of the children's television commercial limits. Such *de minimis* violation of Section 73.670 of the Commission's Rules is not an impediment to a renewal of WXII-TV's license. Finding you fully qualified to remain a Commission licensee, we conclude that a grant of your application for renewal of license for station WXII-TV would serve the public interest, convenience and necessity, and BRCT-20040730ASV IS HEREBY GRANTED.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to WXII Hearst-Argyle Television, Inc. at the address listed above, and to its counsel, Mark J. Prak, Esquire, Brooks Pierce, McLendon Humphrey & Leonard LLP, P.O. Box 1800, Raleigh, NC 27602.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau