



Federal Communications Commission
Washington, D.C. 20554

December 28, 2005

DA 05-3320

Released: December 28, 2005

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

Re: KHBS Hearst-Argyle Television, Inc.
KHBS(TV), Fort Smith, AR
Facility ID No. 60353
File No. BRCT-20050131BFC

Dear Licensee:

This refers to your license renewal application for station KHBS(TV), Fort Smith, AR.

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 January 31, 2005, you filed the above-referenced license renewal application for station KHBS(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station KHBS(TV) failed to comply with the limitations on commercial matter in children's programming specified in Section 73.670 of the Commission's Rules. In Exhibit 19 and a May 9, 2005 amendment to the renewal application, you indicate that station KHBS(TV) exceeded the children's television commercial limits by 15 seconds on 13 occasions between January 9, 2005, and April 10, 2005. You attribute the overages to human error in the repositioning of a commercial-formatted network program as a half-hour children's program segment, as opposed to one component of a clock-hour block of children's

programming. You also describe the measures taken to enhance station KHBS(TV)'s compliance procedures and, thereby, prevent overages of this nature from occurring in the future.

It appears from the information before us that the overages in question were *de minimis* violations of the children's television commercial limits. Such *de minimis* violations of Section 73.670 of the Commission's Rules are not an impediment to a renewal of KHBS(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 KHBS(TV) would serve the public interest, convenience and necessity, and BRCT-20050131BFC 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 KHBS 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