



Federal Communications Commission
Washington, D.C. 20554

July 28, 2006

DA 06-1519

Released: July 28, 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Independence Television Company
WFTE(TV)
624 W. Muhammed Ali Boulevard
Louisville, KY 40203

Re: Independence Television Company
WFTE(TV), Salem, IN
Facility ID No. 34167
File No. BRCT-20050401BIG

Dear Licensee:

This letter refers to your license renewal application for station WFTE(TV), Salem, IN.

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 April 1, 2005, you filed the above-referenced license renewal application for station WFTE(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WFTE(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 to the renewal application, you state that station WFTE(TV) exceeded the children's television commercial limits by 70 seconds on April 12, 2003. You attribute the overage to human error and describe the measures taken by the station to ensure future compliance with the children's television commercial limits.

It appears from the information before us that the overage in question was an isolated violation of the children's television commercial limits. Such *de minimis* violation of Section 73.670 of the Commission's Rules does not warrant further consideration in connection with WFTE(TV)'s renewal application.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Bill Lamb, President, Independence Television Company, at the address listed above, and to John R. Feore, Jr., Esquire, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, N.W., Suite 800, Washington, D.C. 20036.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau