



Federal Communications Commission
Washington, D.C. 20554

November 13, 2006

DA 06-2296

Released: November 13, 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Piedmont Television of Springfield License LLC
KSPR(TV)
7621 Little Avenue
Suite 506
Charlotte, NC 28226

Re: Piedmont Television of Springfield License LLC
KSPR(TV), Springfield, MO
Facility ID No. 35630
File No. BRCT-20050926AKU

Dear Licensee:

This refers to your license renewal application for station KSPR(TV), Springfield, MO.

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 As set forth in 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. Section 73.3526(e)(11)(iii) 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. 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.²

On September 26, 2005, you filed a license renewal application (FCC Form 303-S) for station KSPR(TV), Springfield, Missouri (File No. BRCT-20050926AKU). In response to Section IV, Question 3 of that application, you certify that, during the previous license term, station KSPR(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, you state that in reviewing the station's public inspection file, the licensee discovered that the Children's

¹ See 47 C.F.R. § 73.3526.

² 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).

Television Programming Reports for the first quarters of 2000 and 2002 were inadvertently not placed into the public inspection file after they were timely filed with the Commission. You maintain that the licensee immediately placed copies of these documents in station KSPR(TV)'s public inspection file.

Based upon the record before us, the violations described in your renewal application appear to have been isolated occurrences. Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Section 73.3526(e)(11)(iii) of the Rules described in station KSPR(TV)'s renewal application.

In evaluating an application for license renewal, the Commission's decision is governed by Section 309(k)(1) of the Communications Act of 1934, as amended (the Act).³ Section 309(k)(1) provides that if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Commission's Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.⁴ If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”⁵

The public inspection file rule serves the critical function of making available to the public important information related to station operations. On balance, however, we find that Piedmont Television of Springfield License LLC's violation of Section 73.3526 does not constitute “serious violations” of the Commission's Rules warranting designation for evidentiary hearing. Moreover, we find no evidence of violations that, when considered together, evidence a pattern of abuse. Further, we find that station KSPR(TV) served the public interest, convenience, and necessity during the subject license term. We will therefore grant the license renewal application below.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Piedmont Television of Springfield License LLC at the address listed above, and to its counsel, Joseph M. Di Scipio, Esquire, Fletcher, Heald & Hildreth, PLC, 1300 N. 17th Street, 11th Floor, Arlington, VA 22209.

³ 47 U.S.C. § 309(k).

⁴ 47 U.S.C. § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). See *Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996, Order*, 11 FCC Rcd 6363 (1996).

⁵ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

Finally, IT IS ORDERED that, pursuant to Section 309(k) of the Communications Act of 1934, as amended, the application (File No. BRCT-20050926AKU) of Piedmont Television of Springfield License LLC for renewal of license for station KSPR(TV), Springfield, Missouri IS HEREBY GRANTED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau