



Federal Communications Commission  
Washington, D.C. 20554

February 13, 2006

**DA 06-328**

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**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Bell Broadcasting, L.L.C.  
WUPV(TV)  
c/o Brooks, Pierce, et al.  
P.O. Box 1800  
Raleigh, NC 27602

Re: Bell Broadcasting, L.L.C.  
WUPV(TV), Ashland, VA  
Facility ID No. 10897  
File No. BRCT-20040527AKV

Dear Licensee:

This refers to your license renewal application for station WUPV(TV), Ashland, VA.

Under the Commission's rules implementing the Children's Television Act of 1990 (CTA),<sup>1</sup> each television broadcast station licensee has an obligation, during its license term, to air programming that serves the educational and informational needs of children through both the licensee's overall programming and programming "specifically designed" to educate and inform children (core programming).<sup>2</sup> Section 73.671 of the Commission's Rules (Rules) provides that, in order to qualify as core programming, a show must have serving the educational and informational needs of children ages 16 and under as a significant purpose.<sup>3</sup> In addition, a core program must be a regularly scheduled, weekly program of at least 30 minutes, and aired between 7:00 a.m. and 10 p.m.<sup>4</sup> Further, the licensee's Children's Television Programming Report (FCC Form 398) must specify the educational and informational objective and target child audience.<sup>5</sup> In addition, the licensee must provide to publishers of program guides,

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<sup>1</sup> Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394.

<sup>2</sup> 47 C.F.R. § 73.671(a).

<sup>3</sup> 47 C.F.R. § 73.671(c)(1).

<sup>4</sup> 47 C.F.R. § 73.671(c)(2-4).

<sup>5</sup> 47 C.F.R. § 73.671(c)(5).

instructions for listing the program as educational/informational, including an indication of the age group for which the program is intended.<sup>6</sup>

Moreover, the Commission's rules require commercial licensees to provide information to the public about the shows they air to fulfill their obligation. Section 73.3526(e)(11)(iii) of the Rules requires each commercial television broadcast station to prepare and place in its public inspection file a Children's Television Programming Report for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children. As set forth in Section 73.3526, licensees are also required to file the reports with the Commission and to publicize the existence and location of the reports.

On May 27, 2005, you filed a renewal application (FCC Form 303-S) for station WUPV(TV), Ashland, Virginia (File No. BRCT-20040527AKV). In Exhibit 21 to station WUPV(TV)'s renewal application, you acknowledge that since your acquisition of station WUPV(TV) on August 28, 1997, you failed to publicize the existence and location of the station's Children's Television Programming Reports until the first quarter of 1999. You also indicated that the station has implemented procedures to ensure that it regularly publicizes the existence and location of the Children's Television Programming Reports.

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 WUPV(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 Bell Broadcasting, L.L.C. 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

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<sup>6</sup> 47 C.F.R. §§ 73.671(c)(6), 73.673.