



Federal Communications Commission
Washington, D.C. 20554

February 15, 2006

DA 06-351

Released: February 15, 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

WFMJ Television, Inc.
WFMJ-TV
101 West Boardman Street
Youngstown, OH 44503

Re: WFMJ Television, Inc.
WFMJ-TV, Youngstown, OH
Facility ID No. 72062
File No. BRCT-20050525AJB

Dear Licensee:

This letter refers to your license renewal application for station WFMJ-TV, Youngstown, OH.

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 May 25, 2005, you filed the above-referenced license renewal application for station WFMJ-TV. In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WFMJ-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 WFMJ-TV exceeded the children's television commercial limits by 15 seconds on December 20, 1997. You attribute the overage to human error.

It appears from the information before us that the overage in question was a *de minimis* 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 WFMJ-TV's renewal application which remains pending at this time.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Betty H. Brown Jagnow, President, WFMJ Television, Inc., at the address listed above, and to Kathryn Schmeltzer, Esquire, Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, N.W., Washington, D.C. 20037-1128.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau