



Federal Communications Commission  
Washington, D.C. 20554

February 15, 2006

**DA 06-352**

**Released: February 15, 2006**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

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

Re: Des Moines Hearst-Argyle Television, Inc.  
KCCI(TV), Des Moines, IA  
Facility ID No. 33710  
File No. BRCT-20050930AXP

Dear Licensee:

This refers to your license renewal application for station KCCI(TV), Des Moines, IA.

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 September 30, 2005, you filed the above-referenced license renewal application for station KCCI(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station KCCI(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 KCCI(TV) exceeded the children's television commercial limits by 34 seconds on September 11, 1999, and November 6, 1999. You attribute the overages to human error and technical difficulties and maintain that station KCCI(TV) took corrective measures to prevent further overages.

It appears from the information before us that the overages in question were isolated violations of the children's television commercial limits. Such *de minimis* violations of Section 73.670 of

the Commission's Rules do not warrant further consideration in connection with KCCI(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 Des Moines 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