



Federal Communications Commission
Washington, D.C. 20554

March 10, 2006

DA 06-551

Released: March 10, 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

New York Times Management Services
WHNT-TV
WHNT-TV, Corporate Center 1
International Plaza
2202 North West Shore Boulevard
Suite 370
Tampa, Florida 33607

Re: New York Times Management Services
WHNT-TV, Huntsville, Alabama
Facility ID No. 48693
File No. BRCT-20041129BBG

Dear Licensee:

This letter refers to your license renewal application for station WHNT-TV, Huntsville, Alabama.

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 November 29, 2004, you filed the above-referenced license renewal application for station WHNT-TV. In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WHNT-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 WHNT-TV exceeded the children's television commercial limits by one minute, 15 seconds on August 30, 2003. You attribute the overage to human error and/or inadvertence.

It appears from the information before us that the overage in question was an isolated and inadvertent 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 WHNT-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 New York Times Management Services at the address listed above, and to its counsel, David A. O'Connor, Esquire, Holland & Knight LLP, 2099 Pennsylvania Avenue, N.W., Suite 100, Washington, D.C. 20006-6801.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau