



Federal Communications Commission  
Washington, D.C. 20554

April 4, 2007

**DA 07-1598**  
**Released: April 4, 2007**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

WSMH Licensee, LLC  
WSMH(TV)  
c/o Pillsbury Winthrop Shaw Pittman LLP  
ATTN: Kathryn R. Schmeltzer, Esq.  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: WSMH Licensee, LLC  
WSMH(TV), Flint, MI  
Facility ID No. 21737  
File No. BRCT-20050601AJP

Dear Licensee:

This letter refers to your license renewal application for station WSMH(TV), Flint, MI.

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 June 1, 2005, you filed the above-referenced license renewal application for station WSMH(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WSMH(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 WSMH(TV) exceeded the children's television commercial limits on six occasions between November 28, 1998, and March 17, 2005. Of those six overages, one was 10 seconds in duration, one was 26 seconds in duration, two were 30 seconds in duration, one was 35 seconds in duration, and one was 45

seconds in duration. You attribute the overages to human errors and technical difficulties with automation and cueing equipment. You also describe corrective measures taken to prevent future violations.

It appears from the information before us that the overages in question were *de minimis* violations of the children's television commercial limits. Such violations of Section 73.670 of the Commission's Rules do not warrant further consideration in connection with WSMH(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 the licensee at the address listed above, and to Kathryn R. 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