



Federal Communications Commission  
Washington, D.C. 20554

April 9, 2007

**DA 07-1660**

**Released: April 9, 2007**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Independence Television Company  
WDRB(TV)  
624 W. Muhammed Ali Boulevard  
Louisville, KY 40203

Re: Independence Television Company  
WDRB(TV), Louisville, KY  
Facility ID No. 28476  
File No. BRCT-20050401BHN

Dear Licensee:

This letter refers to your license renewal application for station WDRB(TV), Louisville, KY.

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 April 1, 2005, you filed the above-referenced license renewal application for station WDRB(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WDRB(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, you state that station WDRB(TV) exceeded the children's television commercial limits on seven occasions between November 10, 1997, and May 4, 2003. Of those seven overages, two were 15 seconds in duration, one was 20 seconds in duration, two were 25 seconds in duration, one was 30 seconds in duration, and one was 40 seconds in duration. You attribute the overages to inadvertent errors and maintain that the licensee has implemented several policies to avoid similar violations in the future.

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 WDRB(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 Independence Television Company, at the address listed above, and to John R. Feore, Jr., Esquire, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, N.W., Suite 800, Washington, D.C. 20036.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau