



Federal Communications Commission
Washington, D.C. 20554

July 6, 2007

DA 07-3045

Released: July 6, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

WUPW Broadcasting, LLC
WUPW(TV)
4 Richmond Square
Suite 200
Providence, RI 02906

Re: WUPW Broadcasting, LLC
WUPW(TV), Toledo, OH
Facility ID No. 19190
File No. BRCT-20050527ARD

Dear Licensee:

This letter refers to your license renewal application for station WUPW(TV), Toledo, 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 27, 2005, you filed the above-referenced license renewal application for station WUPW(TV). In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WUPW(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 WUPW(TV) exceeded the children's television commercial limits by 15 seconds on August 5, 2003. You attribute the overage to human error and describe the measures taken by the station to ensure future compliance with the children's television commercial limits.

It appears from the information before us that the overage in question was an isolated 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 WUPW(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 its counsel, William H. Fitz, Esquire, Covington & Burling, 1201 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2401.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau