



Federal Communications Commission
Washington, D.C. 20554

May 27, 2008

DA 08-1206

Released: May 27, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Sage Broadcasting Corporation
KXVA(TV)
406 South Irving
San Angelo, Texas 76903

Sage Broadcasting Corporation
KXVA(TV), Abilene, Texas
Facility ID No. 62293
File No. BRCT-20060331AYM

Dear Licensee:

This refers to your license renewal application for station KXVA(TV), Abilene, Texas.

Section 73.3526 of the Commission's Rules (Rules) requires broadcast licensees to maintain a public inspection file containing specific types of information related to station operations.¹ As set forth in Section 73.3526(e)(11)(i) of the Rules, a TV issues/programs list is to be placed in a commercial TV broadcast station's public inspection file each calendar quarter by the tenth day of the succeeding calendar quarter. Where lapses occur in maintaining the public file, neither the negligent acts nor omissions of station employees or agents, nor the subsequent remedial actions undertaken by the licensee, excuse or nullify a licensee's rule violation.²

On March 31, 2006, you filed a license renewal application (FCC Form 303-S) for station KXVA(TV), Abilene, Texas (File No. BRCT-20060331AYM). In Exhibit 17 and in a March 12, 2008 amendment to the renewal application, you reported that although you placed TV issues/programs lists in station KXVA(TV)'s public inspection file in a timely manner during the license term, you subsequently discovered that these lists did not include information as to the time, date, program content, issue covered, and duration of responsive programming. You stated that the TV issues/programs lists contained only a listing of issues "facing" the community and a listing of station KXVA(TV)'s responses to these issues. In an April 3, 2008 amendment to the renewal application, you stated that you discovered these deficiencies in the TV issues/programs

¹ See 47 C.F.R. § 73.3526.

² See *Padre Serra Communications, Inc.*, 14 FCC Rcd 9709 (1999) (citing *Gaffney Broadcasting, Inc.*, 23 FCC 2d 912, 913 (1970) and *Eleven Ten Broadcasting Corp.*, 33 FCC 706 (1962)); *Surrey Range Limited Partnership*, 71 RR 2d 882 (FOB 1992).

lists only recently and that due to the passage of time, you were unable to reconstruct listings for prior quarters during the license term. You asserted, however, that beginning with the third quarter of 2007, complete TV issues/programs lists were prepared and placed in the public file.

Although we do not rule out more severe sanctions for violations of this nature in the future, based upon the record before us we have determined that an admonition is appropriate at this time. Therefore, we ADMONISH you for your failure to include all information required by Section 73.3526(e)(11)(i) in your TV issues/programs lists, and we expect full compliance with that rule in the future.

Accordingly, IT IS FURTHER ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested, to Sage Broadcasting Corporation at the address listed above, and to its counsel, Howard M. Weiss, Esquire, Fletcher, Heald & Hildreth, P.L.C., 1300 N. 17th Street, 11th Floor, Arlington, Virginia 22209.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau