



Federal Communications Commission
Washington, D.C. 20554

June 4, 2008

DA 08-1294

Released: June 4, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Roberts Broadcasting Company
WRBU(TV)
1408 N. Kingshighway Boulevard
Suite 300
St. Louis, Missouri 63113

Re: Roberts Broadcasting Company
WRBU(TV), East St. Louis, Illinois
Facility ID No. 57221
File No. BRCT-20050801CZA

Dear Licensee:

This refers to your license renewal application for station WRBU(TV), East St. Louis, Illinois.

Section 73.3526 of the Commission's Rules (Rules) requires each commercial broadcast licensee to maintain a public inspection file containing specific types of information related to station operations.¹ Section 73.3526(e)(11)(i) provides that a TV issues/programs list is to be placed in a commercial TV broadcast station's public inspection file each calendar quarter. Moreover, as set forth in Section 73.3526(e)(11)(iii) of the Rules, each commercial television broadcast station is required to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children. Section 73.3526(e)(11)(iii) of the Rules also requires commercial television stations to file the reports with the Commission and to publicize the existence and location of the reports. 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 August 1, 2005, you filed the above-referenced license renewal application for station WRBU(TV). In response to Section IV, Question 3 of that application, you certified that, during

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).

the previous license term, station WRBU(TV) failed to place in the public inspection file at the appropriate times, all of the documentation required by Section 73.3526 of the Commission's Rules. In Exhibit 17, you stated that station WRBU(TV)'s second quarter of 2003 and first quarter of 2004 TV issues/programs lists and Children's Television Programming Reports were placed in its public inspection file approximately three months late. In addition, you reported that station WRBU(TV)'s TV issues/programs lists and Children's Television Programming Reports for the fourth quarter of 2003, the second, third, and fourth quarters of 2004 and the first quarter of 2005 were placed in its public inspection file between three and ten days late. Further, you indicated that the Children's Television Programming Report for the second quarter of 2003 was late filed with the Commission by approximately three months, and that the Children's Television Programming Reports for the fourth quarter of 2003, the third quarter of 2004 and the first quarter of 2005 were late filed with the Commission by between approximately one and six days. You attributed all of the above described violations to inadvertent oversights and recounted corrective measures to ensure future compliance.

The public inspection file rule serves the critical function of making available to the public in a timely fashion important information related to station operations. Admittedly, you were lax in timely filing Children's Television Programming Reports with the Commission and placing various reports and records in WRBU(TV)'s public inspection file. Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Sections 73.3526(e)(11)(i) and (iii) of the Rules described in station WRBU(TV)'s renewal application. We remind you that the Commission expects all commercial television licensees to comply with the Commission's rules regarding material to be timely included and retained in the public inspection file.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Roberts Broadcasting Company at the address listed above, and to its counsel, Kevin P. Latek, Esquire, Dow Lohnes, PLLC, 1200 New Hampshire Avenue, N.W., Suite 800, Washington, D.C. 20036-6802.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau