



Federal Communications Commission
Washington, D.C. 20554

January 24, 2008

DA 08-153

Released: January 24, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Nexstar Broadcasting, Inc.
WHAG-TV
909 Lake Carolyn Parkway
Suite 1450
Irving, TX 75039

Re: Nexstar Broadcasting, Inc.
WHAG-TV, Hagerstown, MD
Facility ID No. 25045
File No. BRCT-20040527AJU

Dear Licensee:

This refers to your license renewal application for station WHAG-TV, Hagerstown, MD.

Under the Commission's rules implementing the Children's Television Act of 1990 (CTA),¹ each television broadcast station licensee has an obligation, during its license term, to air programming that serves the educational and informational needs of children through both the licensee's overall programming and programming "specifically designed" to educate and inform children (core programming).² In *Policies and Rules Concerning the Children's Television Programming, Revision of Programming Policies for Television Broadcast Stations*,³ the Commission adopted several public information initiatives to improve the information to the public regarding programming broadcasters air to fulfill their statutory obligation. One of the public information initiatives requires licensees to provide to publishers of program guides, information identifying programming specifically designed to educate and inform children, including an indication of the age group for which the program is intended.⁴ In the *Children's Television Programming Order*, the Commission stated its belief that "program guides are an effective means of providing parents with advance notice of scheduling of educational programs."⁵ Moreover, the Commission indicated that this information would help parents to

¹ Pub. L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. Sections 303a, 303b and 394.

² 47 C.F.R. § 73.671(a).

³ 11 FCC Rcd 10660 (1996) (*Children's Television Programming Order*).

⁴ 47 C.F.R. § 73.673.

⁵ *Children's Television Programming Order*, 11 FCC Rcd at 10689.

find appropriate programs for their children and others who want to monitor a station's compliance with the CTA.⁶ The Commission acknowledged, however, that broadcasters cannot require program guide publishers to print this information.⁷ Nonetheless, the Commission concluded that the information is more likely to be included in program listings if broadcasters regularly provide it.

On May 27, 2004, you filed the above-referenced license renewal application for station WHAG-TV. In Exhibit 23, you indicated that until October 2003, station WHAG-TV provided information identifying children's programming aired on its station, including an indication of the age group for which such programming is intended, to program guide publishers. You also stated that due to a personnel change, from November 2003 through May 2004, station WHAG-TV provided to program guide publishers only the title of the program and whether such program is network originated or syndicated. You reported that station WHAG-TV has resumed providing information identifying each children's program broadcast on its station, including an indication of the target child audience, to program guide publishers.

Based upon the record before us, we think that an admonition is warranted for the station's failure to provide all of the required information to program guide publishers. 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 violation of Section 73.673 described in station WHAG-TV's renewal application.

Accordingly, IT IS FURTHER ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Nexstar Broadcasting, Inc. at the address listed above, and to its counsel, Elizabeth Hammond, Esquire, Drinker Biddle & Reath LLP, 1500 K Street, N.W., Suite 1100, Washington, D.C. 20005-1209.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁶ *Id.*

⁷ *Id.*