



Federal Communications Commission
Washington, D.C. 20554

July 31, 2008

DA 08-1823
Released: July 31, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Panhandle Telecasting LP
K26CD
P.O. Box 10
Amarillo, Texas 79105-0010

Re: Panhandle Telecasting LP
K26CD, Clovis, New Mexico
Facility ID No. 51469
File No. BRTTA-20060530ACT

Dear Licensee:

This refers to your license renewal application for station K26CD, Clovis, New Mexico.

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 The Commission's rules require commercial licensees to provide information to the public about the shows they air to fulfill their obligation. Section 73.3526(e)(11)(iii) of the Commission's Rules (the "Rules"), 47 C.F.R. § 73.3526(e)(11)(iii), requires each commercial television broadcast station 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. As set forth in Section 73.3526(e)(11)(iii), licensees are also required to file the reports with the Commission and to publicize for the public the existence and location of the reports.

On May 30, 2006, you filed the above-referenced license renewal application for station K26CD. In response to Section IV, Question 10, you stated that, you cannot certify to publicizing throughout the license term, the existence and location of the Station's Children's Television Programming Reports, as set forth in Section 73.3526(e)(11)(iii) of the Rules. In Exhibit 24, you

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.

indicated that it is station K26CD's policy to periodically air a commercial spot publicizing the existence and location of its Children's Television Programming Reports. Moreover, you stated that although station management believes that this notice has continued to run throughout the license term, station K26CD was unable to confirm the airing of these announcements since the beginning of 2001. Nonetheless, you argued that based on station K26CD's good faith belief that it has continued to comply throughout the duration of the license term and its confirmed compliance during the first three years of the license term, station K26CD believes that it has complied with Section 73.3526(e)(11)(iii).

Based on the information before us, we believe that an admonition is warranted for your failure to maintain sufficient records to confirm that you publicized the existence and location of station K26CD's Children's Television Programming Reports throughout the license term. 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 apparent violation of Section 73.3526(e)(11)(iii) of the Rules described in station K26CD'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 Panhandle Telecasting LP at the address listed above, and to its counsel, David D. Oxenford, Esquire, Davis Wright Tremaine LLP, 1500 K Street, N.W., Suite 450, Washington, D.C. 20005.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau