



Federal Communications Commission
Washington, D.C. 20554

February 5, 2008

DA 08-293

Released: February 5, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Scripps Howard Broadcasting Company
WCPO-TV
312 Walnut Street
28th Floor
Cincinnati, OH 45202

Re: Scripps Howard Broadcasting Company
WCPO-TV, Cincinnati, OH
Facility ID No. 59438
File No. BRCT-20050601AYC

Dear Licensee:

This letter refers to your license renewal application for station WCPO-TV, Cincinnati, 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 June 1, 2005, you filed the above-referenced license renewal application for station WCPO-TV. In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WCPO-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 and in a November 14, 2007 amendment to that application, you indicate that station WCPO-TV exceeded the children's television commercial limits by two minutes and fifteen seconds on October 27, 2007. You attribute this overage to human error and describe corrective actions taken to prevent future violations.

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 WCPO-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 Scripps Howard Broadcasting Company at the address listed above and to its counsel, Kenneth C. Howard, Jr., Esquire, Baker & Hostetler, LLP, 1050 Connecticut Avenue, N.W., Suite 1100, Washington, D.C. 20036-5304.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau