



Federal Communications Commission
Washington, D.C. 20554

May 17, 2013

DA 13-1116
Released: May 17, 2013

WTOC License Subsidiary, LLC
RSA Tower, 20th Floor
201 Monroe Street
Montgomery, Alabama 36104

Re: WTOC-TV, Savannah, Georgia
Facility ID No. 590
FRN: 0014585657

Dear Licensee:

This letter refers to your license renewal application for WTOC-TV (the "Station")¹ and hereby admonishes the Station for its failure to comply with the limits on commercial matter in children's programming.

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. The Commission also reaffirmed and clarified its long-standing policy against "program-length commercials." The Commission defined a "program-length commercial" as "a program associated with a product, in which commercials for that product are aired," and stated that the entire duration of any program-length commercial would be counted as commercial matter for the purpose of the children's television commercial limits.² The commercial limitations became effective on January 1, 1992.³

On January 16, 2013, you filed the above-referenced license renewal application for the Station. In response to Section IV, Question 5 of that application, you certified that, during the previous license term, the Station 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 22 to that application, you report that, on November 4, 2012, the 7:30 a.m. half-hour episode of Liberty's Kids II was interrupted after three minutes and 23 seconds due to a technical failure that prevented the audio portion of the program from airing. The master control operator attempted to restore audio by re-setting the station's programming server, but this action instead re-cued a paid program that had aired earlier that morning.⁴ This resulted in a commercial overage of 20 minutes and 30 seconds.

¹ File No. BRC DT-20121130BFL.

² *Children's Television Programming*, Report and Order, 6 FCC Rcd 2111, 2218, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991).

³ *Children's Television Programming*, 6 FCC Rcd 5529, 5530 (1991).

⁴ File No. BRC DT-20121203BAV, Exhibit 22.

In *Children's Television Programming*, the Commission specifically recognized that licensees may experience "occasional emergency scheduling change[s]," which would be taken into consideration in determining whether "extenuating circumstances" mitigated any resulting children's television violations.⁵ The technical failure here constitutes an extenuating circumstance that means this overage shall be considered de minimis.⁶ 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 this violation of the children's television commercial limits rule and policies described in the Station's renewal application. We remind you that the Commission expects all commercial television licensees to comply with the limits on commercial matter in children's programming.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to the licensee at the address listed above and to licensee's counsel, Christopher G. Tygh, Esq., 201 Monroe Street, RSA Tower, 20th Floor, Montgomery, Alabama, 36104.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁵ *Children's Television Programming*, Report and Order, 6 FCC Rcd 2111, 2126 n.123, recon. granted in part, 6 FCC Rcd 5093, 5098 (1991).

⁶ *WFTV, Inc.*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 6140, 6142 n.8 (2010).