



Federal Communications Commission
Washington, D.C. 20554

January 20, 2016

DA 16-69

Released: January 20, 2016

KDAF, LLC
80001 John Carpenter Freeway
Dallas, TX 75247

Re: KDAF(TV), Dallas, TX
Facility ID No. 22201
FRN: 0021781398

Dear Licensee:

This letter is in reference to the license renewal application for KDAF(TV), Dallas, Texas (the "Station"), which is licensed to KDAF, LLC (the "Licensee").¹ We hereby admonish 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 ("CTA"), 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 amount of commercial matter that commercial 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.² These commercial limitations became effective on January 1, 1992.³

On April 14, 2014, the above referenced license renewal application was filed on the Station. According to the application on January 10, 2010, the Station aired the movie "Pokemon: The Movie 2000" between the hours of 2:00pm and 4:00pm.⁴ The Licensee admits state that the Station "improperly formatted" the movie causing an additional one minute of commercial time per hour. This resulted in a commercial time limit overage of two minutes.⁵ Following the incident the Licensee states that staff was reminded of the Station's commercial limit time limits and since the incident the Licensee has continued to "refine its procedures in its effort to avoid non-compliance with the FCC's children's commercial limit

¹ File No. BRCDDT-20140401AEE (amended Dec. 15, 2015)("KDAF Renewal").

² See *Policies and Rules Concerning Children's Television Programming*, MM Docket Nos. 90-570 and 83-670, Report and Order, 6 FCC Rcd 2111 (1991), *recon. granted in part*, Memorandum Opinion and Order, 6 FCC Rcd 5093 (1991).

³ See *Policies and Rules Concerning Children's Television Programming*, MM Docket Nos. 90-570 and 83-670, Order, 6 FCC Rcd 5529 (1991).

⁴ KDAF Renewal at Attachment 22 (Commercial Limit Showing).

⁵ *Id.*

rules.”⁶ Although corrective actions may have been taken to prevent future violations, this does not relieve the Station from liability for violations that have already occurred.⁷

We consider any violation of our rules limiting the amount of commercial matter in children’s programming to be significant, however, the violation described in the Licensee’s license renewal application appears to have been an isolated occurrence. While we do not rule out more severe sanctions for a similar violation 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** the Station for its violation of Section 73.670(a) of the Commission’s rules. We remind the Licensee that the Commission expects all commercial television licensees to comply with the limits on commercial matter during 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.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc:
Jason Roberts
Tribune Company
435 Michigan Avenue
Chicago, IL 60611

⁶ *Id.*

⁷ See *International Broadcasting Corp.*, Memorandum Opinion and Order 19 FCC 2d 793, 794 (1969) (permitting mitigation as an excuse based upon corrective action following a violation would “tend to encourage remedial rather than preventive action”).