

Federal Communications Commission  
Washington, D.C. 20554

In reply refer to: 1800E1-LG

Facility I.D. No. 71326

**Released: January 14, 2000**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

WDBD License Corp.  
Licensee, Station WDBD(TV)  
P.O. Box 10888  
Jackson, MS 39209

Dear Licensee:

This letter constitutes a NOTICE OF APPARENT LIABILITY FOR FORFEITURE in the amount of one hundred fifteen thousand dollars (\$115,000), pursuant to Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), for repeated violations of the Commission's rule limiting the amount of commercial matter that may be aired during children's programming.

***Background***

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 amount 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. Accordingly, 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. *Children's Television Programming*, 6 FCC Rcd 2111, 2118, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991). The commercial limits became effective on January 1, 1992. *Children's Television Programming*, 6 FCC Rcd 5529, 5530 (1991).

On February 3, 1997, you filed a license renewal application (FCC Form 303-S) for station WDBD(TV), Jackson, Mississippi (File No. BRCT-970203LJ). In response to Section III, Question 4 of that application, you certified that, during the previous license term, station WDBD(TV) failed to comply with the limits on commercial matter in children's programming specified in Section 73.670 of the Commission's Rules. In Exhibit 4 to the renewal application, you indicated that station WDBD(TV) exceeded the children's television commercial limits on 12 occasions between June 27, 1993, and April 26, 1995. Of those overages, four were 30 seconds in duration, five were one minute in duration, one was one minute and 30 seconds in duration, one was two minutes in duration and one was a program-length commercial. In essence, you state that the overages resulted from inadvertence and human error, and you describe the measures taken by station WDBD(TV) following each incident to prevent future violations.

Station WDBD(TV)'s renewal application made no reference, however, to several alleged violations of the children's television commercial limits described in a January 24, 1997 letter of complaint filed by Tim Hess, a former employee of station WDBD(TV) (Complaint). According to Hess, in December, 1996, station WDBD(TV) "ran a contest in which Power Ranger toys were prominently featured as the grand prize. These spots ran daily during 'Power Rangers Zeo'[sic] . . . for approximately three weeks." In addition, Hess claimed that, during the Memorial Day and Independence Day holidays of 1995, station WDBD(TV) broadcast commercials for Power Ranger toys within the "Power Rangers" program and for Spiderman action figures during the Saturday morning episodes of the "Spiderman" program. These incidents, if accurately described, appear to constitute program-length commercials, which should have been reported in station WDBD(TV)'s renewal application.<sup>1</sup>

Given the discrepancy between the violations reported in the renewal application and those alleged in the Complaint, we requested that you examine station WDBD(TV)'s logs to determine whether the broadcasts described by Hess had occurred. If so, we also requested that you conduct a thorough examination of the station logs for the entire 1992-1997 license period to determine whether other similar incidents occurred and were not reported. Upon completing your examination, we asked that you submit a statement describing your findings.

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<sup>1</sup> Along with these alleged children's television commercial limits violations, Hess asserted that, for several months in 1995, station WDBD(TV) failed to air a legal station identification on Saturday mornings because the identifications that aired during that period did not mention the city of license either aurally or visually as required by 47 C.F.R. § 73.1201(a). In response, you state that, based on station WDBD(TV)'s spot-check of its logs for 1995, the station identification announcements aired on an appropriate schedule, although station WDBD(TV) has no records which would indicate whether the required city and state of license were included in the station identification announcements. Therefore, you interviewed engineering personnel responsible for compliance with this requirement and employed by the station during 1995, who recollect that the station's identification had always contained the required city and state. As you were unable to identify any change in circumstances or other facts which would explain a sudden departure from this practice, you believe that the station's identification aired properly during 1995. Given the information before us, it is not apparent that, for a period of 1995, station WDBD(TV) may have violated Section 73.1201(a) of the Commission's Rules. Finally, there is no allegation or indication that the station's current identification practices are not in full compliance with the Commission's rules and regulations.

In response to the staff's directive, your senior management officials met with counsel and conducted a joint independent review of station WDBD(TV)'s logs and interviewed various station staff members involved in the commercial logging and airing process. On March 12, 1999, you submitted a detailed response to our inquiry, which included signed statements from Ted Lodge, Senior Vice-President of WDBD License Corp., and Richard French, General Manager of station WDBD(TV).<sup>2</sup> In addressing Hess' allegations, you state that on December 18, 19, 20, 30 and 31, 1995, during, or in the endbreaks of, the "Power Rangers" program, station WDBD(TV) aired a promotional announcement concerning a contest in which Power Rangers toys were awarded as the prize.<sup>3</sup> You maintain, however, that the contest was conducted independently of, and under no obligation to, the "Power Rangers" syndicator or the Power Rangers toy manufacturer. You further assert that the toys used as prizes were donated by a local toy store and left-over from a previous charitable event. Given these facts, you conclude that the promotional announcements were non-commercial matter and did not implicate the Commission's prohibition on program-length commercials.

As for the other incidents described by Hess, you state that, based on your examination of station WDBD(TV)'s logs, there were no occasions during the previous license term on which commercials for Spiderman action figures aired during the "Spiderman" program. However, your examination did reveal that, on a number of occasions, Power Rangers commercials aired during the "Power Rangers" program, other commercials associated with programs aired during those programs and additional commercial limits overages occurred. More specifically, you indicate that between your acquisition of station WDBD(TV) in 1993, and the completion of your investigation in December, 1998, station WDBD(TV) violated the children's television commercial limits on a total of 158 occasions, consisting of four 15-second overages, 19 30-second overages, ten one-minute overages, two one and one-half minute overages, two two-minute overages and 121 program-length commercials. You maintain that, notwithstanding station WDBD(TV)'s adoption of procedures to prevent them, the violations occurred due to a combination of an inadequate computer system and human error. You also assert that the sheer volume of children's programming aired on station WDBD(TV) exacerbated the station's compliance problems. In this regard, you claim that station WDBD(TV) has historically aired an average of eight hours of children's programming per day during the week and eight hours on the weekend, which includes up to 10.5 hours of core children's educational programming per week. You explain that this volume of children's programming meant that station WDBD(TV) had to fill approximately 1,100 30-second commercial availabilities per week to which the commercial limits applied. Therefore, you reason, the compliance problems experienced at many other stations, such as spots which failed to identify character tie-ins, mismarked spots, and last-minute changes in network children's programming, were multiplied many times at station WDBD(TV).

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<sup>2</sup> Lodge and French executed their statements on December 10, 1998, at the close of station WDBD(TV)'s investigation into this matter. Since that date, French has left the employ of station WDBD(TV).

<sup>3</sup> According to your description of the contest, children were asked to draw a picture of a Power Ranger and send it to the station, whereupon the best drawings were selected and the children submitting them received recognition from the station and a Power Rangers toy.



In addition, you claim that station WDBD(TV) experienced difficulties due to the sudden turnover in the station's traffic department which fragmented the station's training of employees. Specifically, you refer to the loss of station WDBD(TV)'s long-time Traffic Coordinator, who had programmed the station's traffic computer to only accept commercials up to the commercial limits in children's programming, and its only other experienced traffic employee shortly after your acquisition of the station. When a permanent replacement for the Traffic Coordinator position had been hired, station WDBD(TV) discovered that a temporary employee had removed the protections previously programmed into the computer to prevent overages and reformatted the traffic computer so as to permit commercials in excess of the commercial limits to air. You surmise that, despite this temporary employee's familiarity with the traffic system, she did not know the rules concerning the commercial limits and, therefore, could not have trained new employees on how to use the computer to prevent violations of those limits. To bridge this gap in training, you say that station management reviewed the commercial limits with the new Traffic employees, using memoranda written at the time the commercial limits were adopted. However, because those memoranda addressed the numerical commercial limits, but not the program-length commercial aspect of the rule, the new employees developed only a partial understanding of program-length commercials. This lack of sensitivity to issues concerning program-length commercials, you conclude, allowed the reported 121 program-length commercials to occur.

Along this line, you describe two compliance problems, in particular, which contributed to the large number of program-length commercials at station WDBD(TV). First, in coding commercials for placement in children's programming, station WDBD(TV)'s National Sales Assistant, the Traffic Department employee responsible for entering advertising contracts in the station's traffic computer so that the spots can be placed on the log and aired, was unaware that, to avoid being considered a program-length commercial, commercial matter related to a children's program must be separated from that program by intervening and unrelated program material.<sup>4</sup> Second, the station staff's use of the traffic computer's standard time codes to prevent the computer from logging commercials containing characters or product references to air during programs within which the commercials conflicted failed to work as intended. Generally, you state, the traffic computer performed that function correctly, rejecting conflicting commercials. In doing so, you explain that the computer did not prevent the commercials from airing altogether, but rather placed them in a pool of commercials which had to be reinserted manually onto the log for broadcast in a permissible time period. However, that pool also included commercials rejected by the computer to avoid conflicts between commercial advertisers, such as the broadcast of commercials for competitive products during the same commercial or within a specified time of one another. Since most of the commercials purchased during children's programming hours are for toys or cereal, the computer rejected many commercials that could air during children's programming periods without violating the policy on program-length commercials, but could not air in proximity to one another because of standard advertising practices. Given the volume of commercials that consequently required reinsertion and the diverse reasons the commercials had been rejected, you assert that the traffic employee responsible for reinsertion, having failed to notice that some of the rejected commercials had

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<sup>4</sup> See *Children's Television Programming (Recon.)*, 6 FCC Rcd at 5099.

occurred to avoid program-length commercials, placed them in conflicting programs. You indicate that this problem went unnoticed prior to your recent review of station WDBD(TV)'s logs partially because the Traffic Department believed it was complying with procedures that adequately prevented program-length commercials. In addition, because "[t]he total impact of the intricacies of the traffic computer's operations on the station's efforts was not completely known by any one person within the station[.]" you state that "opportunities such as these for violations to occur were overlooked." You further explain that, since a great emphasis had been placed on the numerical commercial limits, *see supra* ¶ 8, the station's General Manager focused on that issue when reviewing station WDBD(TV)'s compliance with the commercial limits. Therefore, you maintain, the program-length commercials and circumstances causing them also went undiscovered in previous audits of the station's compliance with the commercial limits because the General Manager had limited her review of the logs to counting total number of minutes of commercials aired per hour without regard to their content.

In view of your findings concerning the number of violations and the reasons for their occurrence, you claim to have established a comprehensive compliance program at station WDBD(TV). You assert that the program involves nearly every station employee, and you describe a multi-tiered review process designed, in particular, to prevent program-length commercials. Further, in your March 12, 1999 response to our inquiry, you note that no violations of the commercial limits have occurred since December 10, 1998. You ask that the Commission review station WDBD(TV)'s compliance with the commercial limits through March 12, 1999, "so that future renewals will not be burdened with these problems from the past."

### ***Discussion***

As an initial matter, in *Children's Television Programming (Recon.)*, we stated that, "a promotional announcement will not be considered commercial matter simply because it includes a mere identification of a product to be used as a prize."<sup>5</sup> Based on your description, the December 1995 promotional announcements at issue merely identified the Power Rangers toys as the prizes to be won in a contest sponsored by the station. There was no other use or mention of the Power Rangers toys or of any product associated with the "Power Rangers" program. In view of these facts, we believe that the December 1995 promotional announcements did not constitute commercial matter and, therefore, were not program-length commercials.

However, station WDBD(TV) did exceed the Commission's commercial limits on children's television programming on 158 occasions. This constitutes a repeated violation of Section 73.670 of the Commission's Rules. Accordingly, pursuant to Section 503(b) of the Communications Act, you are hereby advised of your apparent liability for forfeiture in the amount of one hundred fifteen thousand dollars (\$115,000) for station WDBD(TV)'s apparent repeated violation of Section 73.670 of the Commission's Rules. The amount specified was reached after consideration of the following criteria: (1) the number of instances of commercial overages; (2) the length and nature of each such

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<sup>5</sup> 6 FCC Rcd at 5095 n.23.

overage; (3) the period of time over which such overages occurred; (4) whether or not the licensee established an effective program to ensure compliance; and (5) the specific reasons that the licensee gives for the overages.<sup>6</sup> These criteria are appropriate in analyzing violations of the commercial limits during children's programming since they take into account, *inter alia*, "the nature, circumstances, extent, and gravity of the violation, and, with respect to the violator, the degree of culpability," as required under § 503(b)(2)(D) of the Communications Act.<sup>7</sup>

The 158 instances in which station WDBD(TV) exceeded the children's television commercial limits represents an extremely high number of violations. Furthermore, the violations included 14 overages one minute or longer in duration and 121 program-length commercials. Overages of this number and nature mean that children have been subjected to commercial matter greatly in excess of the limits contemplated by Congress when it enacted the Children's Television Act of 1990.<sup>8</sup> We note, here, that Congress was particularly concerned about program-length commercials because young children often have difficulty distinguishing between commercials and programs.<sup>9</sup> In light of this Congressional concern, the Commission made it clear that program-length commercials, by their very nature, are extremely serious violations of the children's television commercial limits, stating that the program-length commercial policy "directly addresses a fundamental regulatory concern, that children who have difficulty enough distinguishing program content from unrelated commercial matter, not be all the more confused by a show that interweaves program content and commercial matter."<sup>10</sup>

In addition, the violations occurred over an extended period of approximately five years. When it delayed the effective date of Section 73.670 of the Rules from October 1, 1991, until January 1, 1992, the Commission stated that "giving the additional time to broadcasters and cable operators

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<sup>6</sup> See, e.g., *Stainless Broadcasting Co. (WICZ-TV)*, 10 FCC Rcd 9961 (1995); *KXRM Partnership (KXRM-TV)*, 8 FCC Rcd 7890 (1993) (*KXRM Partnership*).

<sup>7</sup> In *United States Telephone Ass'n. v. FCC*, 28 F3rd 1232 (D.C. Cir. 1994), the U.S. Court of Appeals for the District of Columbia set aside *Policy Statement, Standards for Assessing Forfeitures*, 6 FCC Rcd 4695 (1991), *recon. denied*, 7 FCC Rcd 5339 (1992), *revised*, 8 FCC Rcd 6215 (1993), stating that the guidelines for assessing forfeitures established therein must be subject to public comment to comply with the Administrative Procedure Act. In accordance with the court's decision, the Commission released *Forfeiture Guidelines - Notice of Proposed Rulemaking in CI Docket No. 95-6*, 10 FCC Rcd 2945 (1995). After receiving and considering comments from the public in that proceeding, the Commission adopted *Forfeiture Guidelines - Report and Order in CI Docket No. 95-6*, 12 FCC Rcd 17087 (1997) (*Forfeiture Guidelines*). *Forfeiture Guidelines* became effective on October 14, 1997. 62 Fed. Reg. 43474 (August 14, 1997). However, with regard to (i) all cases pending when *Forfeiture Guidelines* was adopted, and (ii) all cases involving "violations arising from facts that occurred before the effective date of th[at] order," forfeiture amounts are to be assessed "under the case-by-case approach in effect when the violation occurred," in conformity with the standards set out in Section 503 of the Communications Act. *Id.* at 17108-9.

<sup>8</sup> *Children's Television Programming, supra*, 6 FCC Rcd at 2117-18.

<sup>9</sup> S. Rep. No. 227, 101st Cong., 1st Sess. 24 (1989).

<sup>10</sup> *Children's Television Programming, supra*, 6 FCC Rcd at 2118.

before compliance with the commercial limits is required will have the effect of enabling broadcasters and cable operators to hone their plans to ensure compliance . . . ."<sup>11</sup> Based on the information filed with respect to the renewal application for station WDBD(TV), it is apparent that you initially failed to establish an effective program to ensure compliance with the commercial limits, and failed to rectify station WDBD(TV)'s deficient program during the renewal period at issue and for at least one year thereafter. Moreover, the only reasons cited for the violations, basically human error, inadvertence and misunderstanding of the Commission's Rules, do not mitigate or excuse them. In fact, the Commission has repeatedly rejected human error, inadvertence and misunderstanding of the Commission's Rules as bases for excusing violations of the children's television commercial limits.<sup>12</sup> While you may have belatedly implemented policies and procedures to prevent subsequent violations of the Commission's children's television rules, that does not relieve you of liability for the very high number of violations which have occurred.<sup>13</sup> Indeed, we are especially troubled by the fact that station WDBD(TV)'s renewal application, when filed, did not accurately reflect the substantial number of commercial overages that occurred at the station. The Commission's overall scheme of regulation is premised on its ability to rely on the accuracy and truthfulness of a licensee's representations. *Nick J. Chaconas*, 28 FCC2d 231 (1971); *Sea Island Broadcasting Corp.*, 60 FCC2d 146 (1976). To some degree, the station staff's admitted misunderstanding of the Commission rules pertaining to separation of program and commercial matter contributed greatly to the licensee's mistaken belief as to the extent of station WDBD(TV)'s non-compliance with the children's programming commercial limits. Ineffective supervision of station personnel and sudden staff turnover exacerbated the number of commercial overage violations that did actually occur at station WDBD(TV). However, we believe that the large volume of children's programming broadcast by the station and the resulting 1,100 30-second commercial availabilities per week to which the commercial limits applied did make the station more susceptible to commercial overage violations due to systemic monitoring inadequacies, than other stations with less children's programming.

Given all of these considerations, the violation of Section 73.670 of the Commission's Rules by station WDBD(TV) on 158 occasions, 121 of which were program-length commercials, warrants a forfeiture in the above-specified amount of \$115,000. The duration and repeated nature of the overages at issue here are among the most egregious violations the Commission has considered. For example, in *Northstar Television of Erie, Inc. (WSEE-TV)*, 10 FCC Rcd 3779 (1995) (*Northstar*), we assessed a \$100,000 forfeiture for 204 violations, including 123 one minute or longer overages and

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<sup>11</sup> *Children's Television Programming*, 6 FCC Rcd at 5530 n.10.

<sup>12</sup> See, e.g., *LeSea Broadcasting Corp. (WHMB-TV)*, 13 FCC Rcd 2751 (1998); *Buffalo Management Enterprises Corp. (WIVB-TV)*, 10 FCC Rcd 4959 (MMB 1995); *Act III Broadcasting License Corp. (WUTV(TV))*, 10 FCC Rcd 4957 (MMB 1995); *Ramar Communications, Inc. (KJTV(TV))*, 9 FCC Rcd 1831 (MMB 1994).

<sup>13</sup> See, e.g., *WHP Television, L.P.*, 10 FCC Rcd 4979, 4980 (MMB 1995); *Mountain States Broadcasting, Inc. (KMSB-TV)*, 9 FCC Rcd 2545, 2546 (MMB 1994); *R&R Media Corporation (WTWS(TV))*, 9 FCC Rcd 1715, 1716 (MMB 1994); *KEVN, Inc.*, 8 FCC Rcd 5077, 5078 (MMB 1993); *International Broadcasting Corp.*, 19 FCC 2d 793, 794 (1969).



33 program-length commercials, which occurred over a period of approximately one year and nine months. Among other things, the licensee in *Northstar* attributed the violations to human error and inadvertence. In another case, *Jasas Corporation (WBDC-TV)*, 12 FCC Rcd 7815 (1997) (*Jasas*), we assessed a \$115,000 forfeiture for 450 violations, including 235 one-minute or longer overages and two program-length commercials, which occurred over a period of two years and four months. In *Jasas*, the licensee of a Washington, D.C. station claimed to have erroneously assumed that the compliance program implemented by the station's previous licensee was functioning properly, and stated that it had installed new equipment and established new procedures at the station to ensure that the violations would not be repeated. When they are compared, several similarities may be drawn between *Northstar*, *Jasas* and the instant case. In each case, the licensee reported a high number of total overages which occurred over an extended period of at least one year and nine months. Further, the licensees offered explanations for their respective violations, and the licensees in *Jasas* and the instant case asserted that they established policies and procedures to prevent future violations. By way of contrast, however, your station, WDBD(TV), reported fewer total overages than the stations in *Northstar* and *Jasas*, but a far greater number of program-length commercials. In this vein, we note that the Commission has routinely assessed higher forfeitures for program-length commercials than for a greater number of conventional overages,<sup>14</sup> and that station WDBD(TV) reported an unprecedented number of program-length commercials. Indeed, the total number of program-length commercials aired by station WDBD(TV) was nearly four times the number broadcast by the licensee in *Northstar*. Based on these facts, and when viewed in light of *Northstar* and *Jasas*, we believe that station WDBD(TV)'s misconduct likewise warrants a substantial forfeiture. Therefore, we conclude that an appropriate, comparable forfeiture is in the amount of \$115,000.

In addition, we believe that, because of the breadth of the violations in this case, your failure to accurately reflect the substantial number of commercial overages in your renewal application and your substantial failure to establish effective monitoring and compliance procedures for approximately five years after you acquired the license for station WDBD(TV), an additional remedial measure is warranted in order to ensure that station WDBD(TV) complies with our limitations on commercial matter during children's programming in the future. Accordingly, we will impose reporting conditions. The Commission has previously imposed reporting conditions, in addition to monetary forfeitures, in similar cases involving egregious violations of the children's television commercial limits. For instance, in *Stainless Broadcasting Co. (WICZ-TV)*, 10 FCC Rcd 9961 (1995), a \$110,000 forfeiture was assessed and reporting conditions were imposed notwithstanding the fact that the licensee established policies and procedures which prevented subsequent violations immediately after it discovered that it had committed 376 violations over a period of 22 months. Likewise, in *Jasas* and *Northstar*, the Commission imposed reporting conditions, along with the monetary forfeitures discussed above, for the respective 450 and 204 violations involved in those cases, even though the licensees implemented policies and procedures to prevent future violations of the children's television commercial limits. Moreover, in reaching its decision to impose reporting conditions in all three cases, the Commission emphasized the failure of

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<sup>14</sup> See, e.g., *Channel 39 Licensee, Inc. (WDZL(TV))*, 12 FCC Rcd 14012, 14015 n.3. (1997).

the licensees to initially establish policies and procedures to preclude commercial overages during children's television programming. Here, station WDBD(TV) lacked effective compliance procedures and an effective means of monitoring the efficacy of those procedures, as station WDBD(TV) initially discovered only 12 of the overages which occurred during the relevant renewal period. Furthermore, though station WDBD(TV) implemented new compliance policies and procedures following its discovery of those 12 overages, the station continued to violate the commercial limits during a one year and ten month period after its renewal application was filed on February 3, 1997. For these reasons, during its next license term, station WDBD(TV) will be required to file a mid-license term report to the Commission on whether it has complied with our limits on commercial matter during children's programming. Any noncompliance will have to be described in detail.

Notwithstanding the substantial nature of the violations at issue here, and the severity with which we regard them, we do not believe that these violations constitute an impediment to grant of the application for renewal of license for station WDBD(TV). There is no suggestion that you have acted in bad faith, and we do not believe the violations reflect a deliberate disregard for Commission requirements. Rather, these violations reflect your failure to confirm or to take prompt measures to ensure compliance with the children's television commercial limitations. Therefore, we find you qualified to remain a Commission licensee, and conclude that grant of the instant application would serve the public interest, convenience and necessity.

Accordingly, the license renewal application of WDBD License Corp., for station WDBD(TV), Jackson, Mississippi (File No. BRCT-970203LJ), is hereby GRANTED, subject to the following conditions:

- (1) on December 31, 2006, or by such other date as the Commission may establish in the future under Section 309(j)(14)(A) and (B) of the Communications Act, the licensee shall surrender either its analog or its digital television channel for reallocation or reassignment pursuant to Commission regulations. The channel retained by the licensee will be used to broadcast digital television only after this date; and
- (2) station WDBD(TV) shall submit to the Commission an original and one copy of the following information within thirty (30) days after the end of its mid-license term, which is June 1, 2001:
  - (a) a statement certifying whether the licensee has complied with the limits on commercial matter as set forth in 47 C.F.R. § 73.670; or
  - (b) a list of each segment of programming, 5 minutes or more in duration, designed for children 12 years old and under and broadcast during the license period which contained commercial matter in excess of the limits set forth in 47

C.F.R. § 73.670. For each such programming segment so listed, indicate the length of the segment, the amount of the commercial matter contained therein, and an explanation of why the limits were exceeded.

With respect to this forfeiture proceeding, WDBD License Corp. is afforded a period of thirty (30) days from the date of this letter "to show, in writing, why a forfeiture penalty should not be imposed or should be reduced, or to pay the forfeiture. Any showing as to why the forfeiture should not be imposed or should be reduced shall include a detailed factual statement and such documentation and affidavits as may be pertinent." Section 1.80(f)(3) of the Commission's Rules, 47 C.F.R. § 1.80(f)(3). Other relevant provisions of Section 1.80(f)(3) of the Commission's Rules are summarized in the attachment to this letter.

This letter was adopted by the Commission on January 10, 2000.

BY DIRECTION OF THE COMMISSION

Magalie Roman Salas  
Secretary

Enclosure

cc w/ encl: David D. Oxenford, Esq.  
Lauren Lynch Flick, Esq.