

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Cunningham Broadcasting Corporation, Ultimate) NAL/Acct. No.202241420017
Parent of Licensee Stations) FRN: 0003778552
WEMT, Greeneville, Tennessee; WMYA,) Facility ID Nos. 40761, 56548, 84088, 74137,
Anderson, South Carolina; WPFO, Waterville,) 35582, and 42359
Maine; WTTE, Columbus, Ohio; WYDO,)
Greenville, North Carolina; KTXD-TV, Greenville,)
Texas)
)
Deerfield Media (Port Arthur), Inc.) NAL/Acct. No. 202241420018
Licensee of Station KBTW-TV) FRN: 0021989033
Port Arthur, Texas) Facility ID No. 61214
)
Deerfield Media (San Antonio), Inc.) NAL/Acct. No. 202241420019
Licensee of Station KMYS) FRN: 0022238778
Kerrville, Texas) Facility ID No. 5158
)
Deerfield Media (Rochester), Inc.) NAL/Acct. No. 202241420020
Licensee of Station WHAM-TV) FRN: 0022244495
Port Arthur, Texas) Facility ID No. 73371
)
Deerfield Media (Cincinnati), Inc.) NAL/Acct. No. 202241420021
Licensee of Station WSTR-TV) FRN: 0022238810
Cincinnati, Ohio) Facility ID No. 11204
)
GoCom Media of Illinois, LLC) NAL/Acct. No. 202241420022
Licensee of Station WBUI,) FRN: 0015021157
Decatur, Illinois) Facility ID No. 16363
)
HSH Flint (WEYI) Licensee, LLC) NAL/Acct. No. 202241420023
Licensee of Station WEYI-TV,) FRN: 0022522981
Saginaw, Michigan) Facility ID No. 72052
)
HSH Myrtle Beach (WWMB) Licensee, LLC) NAL/Acct. No. 202241420024
Licensee of Station WWMB,) FRN: 0023159734
Florence, South Carolina) Facility ID No. 3133
)
Manhan Media, Inc.) NAL/Acct. No. 202241420025
Licensee of Station WWHO,) FRN: 0021241484
Chillicothe, Ohio) Facility ID No. 21158
)
Mercury Broadcasting Company, Inc.) NAL/Acct. No. 202241420026
Licensee of Station KMTW,) FRN: 0004995882
Hutchinson, Kansas) Facility ID No. 77063
)
Mitts Telecasting Company, LLC) NAL/Acct. No. 202241420027
Licensee of Station KXVO,) FRN: 0019424746

Omaha, Nebraska	)	Facility ID No. 23277
)	
MPS Media of Tennessee License, LLC	)	NAL/Acct. No. 202241420028
Licensee of Station WFLI-TV,	)	FRN: 0017130642
Cleveland, Tennessee	)	Facility ID No. 72060
)	
MPS Media of Tallahassee License, LLC	)	NAL/Acct. No. 202241420029
Licensee of Station WTLF,	)	FRN: 0015431570
Tallahassee, Florida	)	Facility ID No. 82735
)	
Nashville License Holdings, L.L.C.	)	NAL/Acct. No. 202241420030
Licensee of Station WNAB,	)	FRN: 0003797305
Nashville, Tennessee	)	Facility ID No. 73310
)	
New Age Media of Gainesville License, LLC	)	NAL/Acct. No. 202241420031
Licensee of Station WGFL,	)	FRN: 0015435407
High Springs, Florida	)	Facility ID No. 7227
)	
New Age Media of Pennsylvania License, LLC	)	NAL/Acct. No. 202241420032
Licensee of Stations WOLF-TV,	)	FRN: 0015435357
Hazleton, Pennsylvania, and WQMY, Williamsport,	)	Facility ID Nos. 73375 and 52075
Pennsylvania)	
)	
Nexstar Broadcasting, Inc., Ultimate Parent of	)	NAL/Acct. No. 202241420033
Licensees of Stations KDVR, Denver, Colorado;	)	FRN: 0009961889
KIAH, Houston, Texas; KTLA, Los Angeles,	)	Facility ID Nos. 126, 23394, 35670, 10205,
California; KTXL, Sacramento, California;	)	72115, and 72119
WGN-TV, Chicago, Illinois; WGNO, New Orleans,)	
Louisiana)	
)	
Second Generation of Iowa, LTD	)	NAL/Acct. No. 202241420034
Licensee of Station KFXA	)	FRN: 0003742939
Cedar Rapids, Iowa	)	Facility ID No. 35336
)	
Sinclair Broadcast Group, Inc. ¹	)	NAL/Acct. No. 202241420035
	)	FRN: 0004331096
)	
Waitt Broadcasting, Inc.	)	NAL/Acct. No. 202241420036
Licensee of Station KMEG	)	FRN: 0004957650
Sioux City, Iowa	)	Facility ID No. 39665
)	
WTVH License, Inc.	)	NAL/Acct. No. 202241420037
Licensee of Station WTVH,	)	FRN: 0006583298
Syracuse, New York	)	Facility ID No. 74151

¹ The respective licensees of the Sinclair Broadcast Group, along with their stations, facility identification numbers, FRNs, licensees, and communities of license that are the subject of this NAL are listed in Appendix A.

NOTICE OF APPARENT LIABILITY FOR FORFEITURE**Adopted: September 19, 2022****Released: September 21, 2022**

By the Commission: Chairwoman Rosenworcel and Commissioner Starks issuing separate statements.

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (*NAL*), issued pursuant to section 503(b) of the Communications Act of 1934, as amended (Act), and section 1.80 of the Commission's Rules (Rules),² we find that the licensees listed in Appendix A (collectively, Broadcasters) apparently willfully and repeatedly violated section 73.670 of the Rules, by failing to comply with the limits on commercial matter in children's programming.³ Based upon our review of the facts and circumstances before us, we conclude that each of the Broadcasters is apparently liable for a monetary forfeiture, as specified in Appendix B.

II. BACKGROUND

2. In the Children's Television Act of 1990,⁴ 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 renewal applications the extent that the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the Commission adopted section 73.670 of the Rules, which limits the amount of commercial matter that may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays.⁵ The Commission has also stated that a program associated with a product, in which commercials for that product are aired, would be treated as a program-length commercial, (*i.e.*, the entire program would be counted as commercial time).⁶ In order to verify compliance with the Children's Programming Commercial Rules, commercial full power and Class A stations are required to file an annual Commercial Limits Certification. Such records must be retained until final action has been taken on the station's next license renewal application.⁷ As part of a station's license renewal application, a licensee must certify that "[f]or the period of time covered by this application, the licensee certifies that it has complied with the limits on commercial matter as set forth in 47 CFR Section 73.670 and the Commission's commercial limit policies related to host-selling and program-length commercials."⁸

3. Congress was particularly concerned about program-length commercials because young children often have difficulty distinguishing between commercials and programs.⁹ Given this congressional concern, the Commission has made clear that program-length commercials, by their very nature, are extremely serious violations of the children's television commercial limits, stating that the

² 47 U.S.C. § 503(b); 47 CFR § 1.80.

³ See 47 CFR § 73.670. Appendix A identifies the licensees.

⁴ Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. §§ 303a, 303b, and 394.

⁵ 47 CFR § 73.670.

⁶ *Policies and Rules Concerning Children's Television Programming, et al.*, MM Docket Nos. 90-570 and 83-670, Report and Order, 6 FCC Rcd 2111, 2118, paras. 44-46 (1991) (*1991 Children's TV R&O*), *recon. granted in part*, 6 FCC Rcd 5093, 5098, paras. 28-34 (1991) (*1991 Children's TV Recon.*).

⁷ 47 CFR § 73.3526(e)(11)(ii).

⁸ See FCC Form 2100, Schedule 303-S, <https://www.fcc.gov/sites/default/files/form303stvinstructions.pdf>.

⁹ See S. Rep. No. 101-227, at 24 (1989).

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.”¹⁰

4. Beginning in June 2020, in the course of filing their license renewal applications (FCC Form 2100, Schedule 303-S), a number of these Broadcasters informed the Commission of repeated violations of the Children’s Programming Commercial Rules.¹¹ Specifically, multiple Broadcasters responded “No” to the question in their applications entitled Children’s Programming Commercial Limitations,¹² indicating that during the previous license term, the respective stations failed to fully comply with the commercial limits on children’s television programming specified in section 73.670 of the Rules, and the Commission’s commercial limit policies related to host-selling and program-length commercials.¹³

5. In an exhibit to those applications, these licensees reported that a commercial for Hot Wheels Super Ultimate Garage was inadvertently aired on eleven occasions during eight 30-minute-long episodes of Team Hot Wheels between November 10, 2018 and December 16, 2018, and that the commercial was pulled from the program immediately after discovery.¹⁴ Concurrently, multiple non-Sinclair licensees similarly informed the Commission in exhibits to their renewal applications that Sinclair was the provider of this Hot Wheels programming, together with the related Super Ultimate Garage commercials, and that these non-Sinclair licensees had also inadvertently aired that commercial on eleven occasions during that same time period.¹⁵ Two of these licensees further informed the Commission in their renewal applications that the episodes aired on two of the stations’ program streams.¹⁶

6. Appendix A identifies the pending renewal applications that the Broadcasters have filed that concede the commission of these violations. Where no renewal application is on file for the non-Sinclair Broadcasters,¹⁷ Appendix A identifies the date that the non-Sinclair Broadcasters disclosed these

¹⁰ 1991 *Children’s TV R&O*, 6 FCC Rcd at 2118, para. 44. See, e.g., *KSKN Television Inc., (KSKN(TV)), Spokane, Washington*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 6150, 6152, para. 7 (2010) (*KSKN NAL*) (forfeiture paid) (finding that a commercial containing a brief reference to “Yu-Gi-Oh!” trading cards airing during the “Yu-Gi-Oh!” program, caused the entire program to be considered a program-length commercial). Commission precedent has long distinguished between program-length commercials and “conventional” overages (e.g., where the licensee exceeds the time limit on commercial matter but the commercial does not involve a program-related product), and penalized the former more heavily. See, e.g., *North Carolina Broadcasting Partners (WCCB(TV))*, Memorandum Opinion and Order and Forfeiture Order, 16 FCC Rcd 5627, 5633, para. 10 (2001) (“The Commission has routinely assessed higher forfeitures for program-length commercials than for a greater number of conventional overages.”).

¹¹ Broadcast licensees file renewal applications on a rolling basis at the conclusion of their renewal terms, and some of the Broadcasters disclosed this information.

¹² See, e.g., WCHS-TV Application for Renewal of License, LMS File No. 0000115659 (filed Jun. 1, 2020). Appendix A identifies the file numbers for those renewal applications filed by the responding licensee.

¹³ See *id.*

¹⁴ *Id.*

¹⁵ See, e.g., WNAB Application for Renewal of License, LMS File No. 0000142031 (amended Aug. 30, 2021).

¹⁶ See Tri-Cities (WEMT-TV) Licensee, Inc. Application for Renewal of License, LMS File No. 0000142612; Deerfield Media (Cincinnati) Licensee, LLC Application for Renewal of License, LMS File No. 0000148180.

¹⁷ Sinclair has already informed staff that all of its stations listed in Appendix A have committed the violations at issue here, so the OPIF filings are not listed in Appendix A and the last column is left blank where no renewal application is on file for that particular Sinclair station.

violations in their fourth quarter 2018 Commercial Limits Certifications, available in the online public inspection file (OPIF).¹⁸

7. In early November 2020, Sinclair voluntarily informed Bureau staff more comprehensively that during the previous license term, a total of 85 of its television stations had aired program-length commercials and thus failed to fully comply with the Children’s Programming Commercial Rules.¹⁹ Specifically, Sinclair reported that for 84 of these stations, on eleven occasions between November 10, 2018, and December 15, 2018, the television stations aired a commercial for the “Hot Wheels Super Ultimate Garage” playset during eight 30-minute showings of the program “Team Hot Wheels.”²⁰ The only deviation to this was Sinclair station WABM, Birmingham, Alabama, which aired nine “Hot Wheels Super Ultimate Garage” commercials during seven episodes of “Team Hot Wheels.”²¹

8. On November 23, 2020, the Video Division of the Bureau issued a Notice of Apparent Liability for Forfeiture (*Deerfield NAL*) finding that Deerfield Media (Baltimore) Licensee, LLC (Deerfield Baltimore) – a non-Sinclair licensee – the licensee of Station WUTB, Baltimore, Maryland, willfully and repeatedly violated section 73.670 of the Rules, by failing to comply with the limits on commercial matter in children’s programming.²² The Bureau issued the *NAL* based on the airing of a commercial for the “Hot Wheels Super Ultimate Garage” playset on eleven occasions between November 10, 2018, and December 15, 2018 during eight showings of the program “Team Hot Wheels – broadcasts identical to those at issue in the instant proceeding. The *Deerfield NAL* concluded that Deerfield was apparently liable for a monetary forfeiture in the amount of twenty thousand dollars (\$20,000).²³ The *Deerfield NAL* determined that an upward adjustment to \$20,000 for violations of section 73.670²⁴ was justified considering the number, nature, and circumstances of the commercial limit overages, and rejected Deerfield’s argument that sought to rely on other cases that involved only conventional commercial overages, or a combination of far fewer program-length commercials.²⁵

III. DISCUSSION

9. We find that the Broadcasters are apparently liable for forfeitures in the amount set forth in Appendix B because the record indicates that the broadcast licensees have exceeded the Commission’s

¹⁸ Appendix A also indicates the situation where a station certified in its OPIF filing conceding to these violations, but nevertheless subsequently certified “Yes” to the question in their renewal applications that during the previous license term they had complied with the limits on commercial matter as set forth in 47 CFR Section 73.670 and the Commission’s commercial limit policies related to host-selling and program-length commercials. We will address any licensee non-compliance with our renewal reporting and certification requirements separately when reviewing the renewal application.

¹⁹ See Appendix A.

²⁰ Appendix A lists a total of 83 Sinclair stations because Sinclair subsequently assigned two stations to other parties. See KBSI Application for Consent to Assignment of Broadcast Station Construction Permit or License, File No. BALCDT-20201113AAZ (granted Jan. 15, 2021); WDKA Application for Consent to Assignment of Broadcast Station Construction Permit or License, File No. BALCDT-20201113AAS (granted Jan. 15, 2021).

²¹ See WAMB Application for Renewal of License, LMS File No. 0000129008 (filed Dec. 1, 2020).

²² *Deerfield Media (Baltimore) Licensee, LLC*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 13098 (VD MB 2020) (*Deerfield NAL*) (forfeiture paid).

²³ *Id.* at 13098, 13099-100, paras. 1, 5.

²⁴ See *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17113 (1997) (*Forfeiture Policy Statement*), recon. denied, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b), note to paragraph (b)(10), Section I.

²⁵ *Deerfield NAL* at 13101-02, paras. 8-9 (citations omitted).

commercial limits by airing program-length commercials multiple times. This behavior constitutes an apparent willful and repeated violation of section 73.670 of the Rules. Airing a commercial for a Hot Wheels-themed toy during a Hot Wheels-themed show fits squarely within the Commission definition regarding what constitutes a program-length commercial.²⁶ In the context of the cognitive abilities of young children, airing a commercial for a “Hot Wheels Super Ultimate Garage” playset during the “Team Hot Wheels” program presents the clear risk for confusion between “program content” and “commercial matter” that this regulation was designed to avoid.²⁷ Under our precedent, each station—with three exceptions—is liable for eight program-length commercials because only eight episodes of “Team Hot Wheels” were affected; during three of the episodes, a commercial aired twice.²⁸

A. Apparent Violations

10. We find that the eight instances where each station exceeded the children’s television commercial limits represent a substantial number of apparent violations.²⁹ 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 1990.³⁰ The circumstances are particularly egregious here because the commercial in this case centers around a product directly related to the children’s program being aired and was not an isolated occurrence as alleged by the licensees.³¹ Although numerous Broadcasters indicate in their renewal applications and commercial limit certification filings that these overages were inadvertent,³² this does not mitigate or excuse the violations.

²⁶ See *1991 Children’s TV R&O*, 6 FCC Rcd at 2118, para. 44 (defining “children’s program-length commercial” as “a program associated with a product, in which commercials for that product are aired”).

²⁷ See *id.*

²⁸ In instances where a single airing of a program episode is impacted by multiple advertisements for a product related to the program, we agree with Bureau precedent that licensees are liable for only one program-length commercial. See *Spokane Television, Inc. (KXLY(TV))*, Memorandum Opinion and Order and Forfeiture Order, 15 FCC Rcd 9188, 9189-90, paras. 3, 6 (MB 2000). One exception here concerns station WABM, which broadcast fewer episodes of the “Team Hot Wheels” program than did the other Sinclair stations. Because WABM aired nine “Hot Wheels Super Ultimate Garage” commercials during seven episodes of the program, Sinclair is liable for seven program-length commercials for that station. The other two exceptions concern WEMT (licensed to Cunningham Broadcasting Corporation) andWSTR-TV (licensed to Deerfield Media (Cincinnati), Inc., each of which are liable for airing eight program-length commercials on two streams. In determining whether and how to apply children’s advertising limits and policies to digital programming in 2004, the Commission determined that advertising restrictions for children’s programming should apply to all programming. *Children’s Television Obligations of Digital Television Broadcasters*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd. 22943 (2004) (subsequent history omitted) (“We will apply the commercial limits and policies, as clarified in today’s Order, to all digital video programming directed to children ages 12 and under, whether that programming is aired on a free or pay digital stream.”). Consequently, multicast streams are not exempt from these restrictions, and the two licensees are liable for sixteen program-length commercials for each of those stations, respectively.

²⁹ The Bureau recently made a similar finding in another related case. See *Deerfield NAL* at 13100, para. 6.

³⁰ See *id.* at 2117-18.

³¹ Compare *KSKN NAL*, 25 FCC Rcd at 6152, para. 7 (involving brief pictorial and aural reference to the program-related content).

³² See, e.g., KAAS-TV OPIF, “KSAS KAAS KOCW 4th Qtr Commercial Limits Report 2018 FCC” (filed Jan. 28, 2019) (stating that “a commercial for Hot Wheels Super Ultimate Garage was inadvertently aired during *Team Hot Wheels* eleven times between November 11, 2018 and December 16, 2018. The commercial was pulled from the program immediately upon discovery.”)

The Commission has repeatedly rejected inadvertence as a basis for excusing violations of the children's television commercial limits.³³

11. While some non-Sinclair licensees point out that the commercials were embedded in the programming provided by Sinclair, we do not find any lessened responsibility.³⁴ Regardless of the technical or logistical constraints of airing programming, every licensee bears nondelegable responsibility for compliance with its regulatory obligations.³⁵

B. Amount of Proposed Forfeiture

12. We issue this *NAL* pursuant to section 503(b)(1)(B) of the Act. Under that provision, a person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.³⁶ Section 312(f)(1) of the Act defines willful as “the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate” the law.³⁷ The legislative history to section 312(f)(1) of the Act clarifies that this definition of willful applies to both sections 312 and 503(b) of the Act,³⁸ and the Commission has so interpreted the term in the section 503(b) context.³⁹ Section 312(f)(2) of the Act provides that “[t]he term ‘repeated,’ when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.”⁴⁰ For the violations at issue here, section 503(b)(2)(A) of the Act authorizes us to assess a forfeiture against a broadcast station licensee of up to \$55,052 for each violation or each day of a continuing violation, up to a statutory maximum of \$550,531 for a single act or failure to act.⁴¹ The Commission’s *Forfeiture Policy Statement* and section

³³ See, e.g., *id.* at 6153, para. 9; *North Carolina Broadcasting Partners (WCCB(TV))*, Notice of Apparent Liability for Forfeiture, 13 FCC Rcd 3450, 3453 (1997), *forfeiture issued*, Memorandum Opinion and Order and Forfeiture Order, 16 FCC Rcd. 5627 (2001).

³⁴ See, e.g., Nexstar WGN Application for Renewal, LMS File No. 0000155350 (“Station is unable to insert commercial announcements in TBD Network programming. All commercial time is controlled by the network.”)

³⁵ Whether the licensee and program supplier are bound by contractual indemnification provisions concerning payment of a monetary forfeiture is immaterial here. Legal responsibility for the violations always rests with the licensee. See *Application of WCHS-AM-TV Corp., Charleston, W.VA. For Renewal of License of Station WCHS-AM*, Memorandum Opinion and Order, 8 FCC 2d 608, 609, para.7 (1967) (“that the syndicator allegedly made an error in the advertising copy does not excuse the licensee from its basic responsibility, a responsibility which we have stated many times cannot be delegated to others, including the program syndicator. The Commission has always regarded the maintenance of control over programming as a most fundamental obligation of the licensee”); *Application for Renewal of Licenses of Nexstar Broadcasting Inc. and Compliance with Children’s Television Act of 1990*, Order, FCC 19-85, para. 9 (2019) (“The obligation to comply with this rule [section 73.673] is on the licensee, not a station’s network or syndicator from which a station obtains its programming.”). The Commission has squarely rejected a claim from a station licensee that it should be absolved from liability for the program-length commercial that it aired because it resulted from an error which occurred in the programming supplied by a network. *Acme Television Licenses of Ohio, LLC, Licensee of Station WBBD(TV) Springfield, Ohio*, Notice of Apparent Liability, 25 FCC Rcd. 6145, 6147, para. 8 (2010) (“The Commission has consistently held that a licensee’s reliance on a program’s source or producer for compliance with children’s television rules and policies will not excuse or mitigate violations which occur.”).

³⁶ See 47 U.S.C. § 503(b)(1)(B); see also 47 CFR § 1.80(a)(2).

³⁷ 47 U.S.C. § 312(f)(1).

³⁸ See H.R. Rep. No. 97-765, at 51 (1982) (Conf. Rep.).

³⁹ See, e.g., *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388, para. 5 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992).

⁴⁰ 47 U.S.C. § 312(f)(2).

1.80(b) of the Rules establish a base forfeiture amount of \$8,000 for each violation of section 73.670.⁴² In determining the appropriate forfeiture amount, we may adjust the base amount upward or downward by considering the factors enumerated in section 503(b)(2)(E) of the Act, including “the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”⁴³

13. We emphasize that with regard to enforcement of its commercial limitation regulations generally, the Commission historically has not multiplied the number of overages by the base forfeiture amount and then adjusted up or down from there. Rather, the Commission historically has started with the base forfeiture amount without any multiplication and has adjusted up or down from there, including by using the number of overages as justifying an upward adjustment. We do not depart from that precedent here, but we use this opportunity to advise broadcast television licensees, satellite providers, and cable operators that the Commission may revise our approach to forfeiture calculations under the Children’s Television Act in future cases. Assessing forfeitures on a per-violation basis is supported by the language of the statute⁴⁴ as well as the text of our rules setting forth base forfeiture amounts,⁴⁵ and that approach also would reflect the fact that the regulations are of long standing⁴⁶ and so should be well understood by television broadcasters, satellite providers, and cable operators.

14. This Notice addresses exclusively program-length commercial violations committed by the stations subject to this proceeding. As the Bureau explained in the *Deerfield NAL*, because of the Commission’s strong policy of treating program-length commercials as extremely serious violations of the children’s television commercial limitations, the Bureau has routinely assessed higher forfeitures for program-length commercials than for a significantly greater number of conventional overages.⁴⁷ As that decision explained, on numerous occasions the Bureau has made a substantial upward adjustment in program-length commercial cases that involved fewer violations than those apparently committed in this

(Continued from previous page)

⁴¹ See 47 U.S.C. § 503(b)(2)(A); 47 CFR § 1.80(b)(1). These amounts reflect inflation adjustments to the forfeitures specified in section 503(b)(2)(A) of the Act. See *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 21-1631 (EB 2021); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 87 Fed.Reg. 396 (Jan. 5, 2022) (setting January 5, 2022, as the effective date for the increases).

⁴² See *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17113 (1997) (*Forfeiture Policy Statement*), recon. denied, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b), note to paragraph (b)(10), Section I.

⁴³ 47 U.S.C. § 503(b)(2)(E). See also *Forfeiture Policy Statement*, 12 FCC Rcd at 17100-01; 47 CFR § 1.80(b)(10); 47 CFR § 1.80(b), note to paragraph (b)(10), Section II.

⁴⁴ 47 U.S.C. § 303a(b) (specifying commercial limits in terms of maximum number of commercial minutes *per hour*); 47 CFR § 25.701(e); 47 CFR § 73.670(a); 47 CFR § 76.225(a).

⁴⁵ 47 CFR § 1.80(b), note to paragraph (b)(10), Section I (establishing base forfeiture of \$8000 *per violation* of the children’s television commercialization requirements).

⁴⁶ See *1991 Children’s TV R&O*, 6 FCC Rcd at 2118, para. 48 (announcing an effective date of October 1, 1991). As the Commission has recognized, the roots of the program-length commercial prohibition extend back even further than three decades to the development and adoption of the “host-selling” policy in the 1970s. See *id.* at 2118, para. 44 n.147; see also *1991 Children’s TV Recon.*, 6 FCC Rcd at 5098, paras. 28-34; *Action for Children’s Television*, 50 FCC 2d 1, 8, 16-17 (1974), recon. denied, 55 FCC 2d 691 (1975), *aff’d*, *Action for Children’s Television v. FCC*, 564 F.2d 458 (D.C. Cir. 1977) (policy against “host selling”).

⁴⁷ *Deerfield NAL* at 13101-02, para. 9.

case.⁴⁸ The Commission endorses the Bureau's application of that approach, and adopts it with regard to the case before us today.

15. Consistent with precedent, the calculation for each station reflects an upward adjustment supported by multiple factors under section 503(b)(2)(E) as relevant to the station's particular conduct here. This requires taking into account, among other things, the following criteria set forth in *North Carolina Broadcasting Partners*: (1) the number of instances of commercial overages; (2) the length of each overage; (3) the period of time over which the overages occurred; (4) whether or not the licensee established an effective⁴⁹ program to ensure compliance; and (5) the specific reasons that the licensee gave for the overages.⁵⁰ Because of the factual differences in the stations' conduct, our application of these factors necessarily varies. In analyzing the applicable statutory factors, we also consider whether there is any basis for a downward adjustment of the proposed forfeiture against each licensee. Here, we find none.

16. *Sinclair Stations*. In this case, we find that an upward adjustment to \$32,000 for each of the 82 Sinclair stations and to \$28,000 for WABM, resulting in a total forfeiture of \$2,652,000, is warranted considering the number, nature, and circumstances of the commercial limit overages, as well as Sinclair's history of prior offenses and ability to pay. We find that an upward adjustment is warranted based on the application of the section 503(b)(2)(E) factors to each station. First, the overages occurred over a relatively extended period of time, between November 10 and December 16, 2019, with multiple instances of commercial overages during that period (eight for almost every station). Second, the length of each overage is substantial because they involve program-related commercial messages aired within the program's time period. Accordingly, under the Commission's precedent they constitute program-length commercial violations, which renders the full 30 minutes of the Hot Wheels program non-compliant.⁵¹ Fourth, Sinclair fails to claim, much less prove, that it had an effective program to ensure compliance. Fifth, Sinclair's explanation for the overages was inadequate, *i.e.*, it offered only a bald statement that the overages occurred through inadvertence and that the commercial was pulled upon discovery.⁵²

17. Furthermore, we find that our proposed forfeitures are warranted as a result of Sinclair's lengthy history of prior offenses for similar violations; the extent, gravity, and circumstances of the violations here; and Sinclair's ability to pay. Under these additional considerations, we begin by taking into account the fact that in the last 17 years Sinclair has been fined or admonished 11 times for program-length commercial violations, establishing an extensive history of prior offenses.⁵³ In addition,

⁴⁸ *Id.* (citing *Mercury Broadcasting Company, Inc. (KMTW(TV))*, Forfeiture Order, 25 FCC Rcd 4564, 4565-66, paras. 6-9 (MB 2010) (\$16,000 forfeiture for six program-length commercials over the course of approximately one month); *WTWB of the Triad, LLC (WTWB(TV))*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 1652, 1654, para. 7 (MB 2006) (\$17,500 forfeiture for seven program-length commercials)).

⁴⁹ *See supra* note 28.

⁵⁰ *See, e.g., North Carolina Broadcasting Partners*, Memorandum Opinion and Order and Forfeiture Order, 16 FCC Rcd 5627, 5628, para. 2 (2001).

⁵¹ *See supra* note 10.

⁵² *See supra* note 32.

⁵³ *WUXP Licensee, LLC (WUXP(TV))*, 23 FCC Rcd 6397 (MB 2008) (forfeiture paid); *WTVZ Licensee, LLC (WTVZ(TV))*, 21 FCC Rcd 1541 (MB 2006) (admonishment); *WCWB Licensee, LLC (WPMY(TV))*, 23 FCC Rcd 14914 (MB 2008) (admonishment); *New York Television, Inc. (WNYO(TV))*, 22 FCC Rcd 19379 (MB 2007) (admonishment); *Raleigh (WRDC-TV) Licensee, Inc. (WRDC(TV))*, 22 FCC Rcd 6688 (MB 2007) (admonishment); *WUXP Licensee, LLC (WUXP(TV))*, 22 FCC Rcd 6696 (MB 2007) (admonishment); *KUPN Licensee, LLC (KVMY(TV))*, 22 FCC Rcd 6685 (MB 2007) (admonishment); *WFLR Licensee, LLC (WFLR(TV))*, 23 FCC Rcd 8182 (MB 2008) (forfeiture paid); *KOCB Licensee, LLC (KOCB(TV))*, 25 FCC Rcd 3737 (MB 2010) (forfeiture paid);

(continued....)

the circumstances and extent of the apparent violations here are particularly troubling because an experienced television licensee apparently committed them. Over the course of slightly more than a month, not a single employee noticed that at least one—and sometimes more—Hot Wheels commercials were airing during a Hot Wheels program.⁵⁴ This is a textbook violation of Commission rules that have been in place for more than 30 years.⁵⁵ Sinclair, as a broadcast television company with roots stretching back five decades,⁵⁶ was or should have been long aware of its compliance responsibilities in this context. Moreover, in light of its compliance record, the company should already have had a robust system in place to vet these advertisements. We consider Sinclair’s geographically extensive reach to a potentially large national audience of viewers as problematic as well.⁵⁷ Finally, given Sinclair’s large revenues,⁵⁸ a higher fine is appropriate to have an adequate deterrent effect.⁵⁹

18. *Nexstar Stations.* For each of the Nexstar stations, we find that an upward adjustment to \$26,000 per station is warranted considering the number, nature, and circumstances of the commercial limit overages, as well as each station’s ability to pay. Again, this calculation reflects an upward adjustment for each of these stations supported by multiple factors under section 503(b)(2)(E) relevant to the licensees’ particular conduct here, consistent with precedent. Similar to our analysis of Sinclair’s conduct, we find that an upward adjustment is warranted because the relevant time period during which the violations occurred was relatively extensive (November 10 through December 16, 2019) and the number of overages broadcast during that period was significant (eight for every station); the length of each overage (a 30-minute program-length commercial); the omission of any claim concerning establishment of an effective program to ensure compliance;⁶⁰ and the inadequacy of an explanation for

(Continued from previous page)

KLGT Licensee, LLC (WUCW(TV)), 24 FCC Rcd 949 (MB 2009) (forfeiture paid); *WVTV Licensee, Inc. (WVTV(TV))*, 25 FCC Rcd 3741 (MB 2010) (forfeiture paid).

⁵⁴ Multiple airings of a commercial make the distinction between programming and commercial matter even more difficult for a child viewer. *See 1991 Children’s TV R&O*, 6 FCC Rcd 211, 2118, para. 44 (adopting a definition of children’s program-length commercial that “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.”)

⁵⁵ As recent cases have shown, we consider any program-length commercial to be a serious violation, regardless of the length of the program-related reference, and here the violation is particularly egregious because it involved more than simply a fleeting reference. *See, e.g., Winston Broadcasting Network, Inc. (WBNX(TV))*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 14606, 14607-09, paras. 4-5, 11 (MB 2008) (finding that a program-length commercial occurred where “only half of the letter ‘M’ and the letters ‘ON’ of ‘Pokémon’ were visible . . . for ‘slightly’ more than one second” in a Nintendo Gameboy commercial during a Pokémon program), Forfeiture Order, 25 FCC Rcd 4571 (MB 2010).

⁵⁶ Sinclair Broadcast Group, *our history*, <https://sbg.net/our-history/> (visited March 10, 2022).

⁵⁷ *Viacom, Inc.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 2548, 2566, para. 38 (2014) *aff’d sub nom. Viacom Inc. ESPN Inc.*, Forfeiture Order, 30 FCC Rcd 797, 805, para. 21 (2015) (forfeitures paid) (assessing forfeitures of \$1,120,000 against Viacom and ESPN, based, in pertinent part, upon companies’ networks’ substantial audience reach).

⁵⁸ Sinclair reported total revenues of \$6,134,000,000 for 2021, \$5,934,000,000 for 2020, and \$4,240,000,000 for 2019. Sinclair Broadcast Group, Inc. 2021 Annual Report on SEC Form 10-K, at 60 (Mar. 1, 2022.)

⁵⁹ *See, e.g., Viacom*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 2548, 797-98, 805-06, paras. 2, 22 (noting that an upward adjustment is appropriate in light of Viacom’s reported annual revenues and the revenues of ESPN’s parent); *SBC Communications Inc.*, Order on Review, 17 FCC Rcd 4043, 4052, para. 20 (2002) (“[A] large and highly profitable company . . . should expect . . . that the forfeiture amount” may “be above, or even well above, the relevant base amount.”)

⁶⁰ Nexstar does indicate that it has reminded its employees of their obligations. *See, e.g., Nexstar WGN License Renewal Application*, LMS File No. 0000155350 (filed Aug. 2, 2021) (“The Station verbally reminded all pertinent
(continued....)

the overages. In addition, like Sinclair, Nexstar is a large, publicly traded company with significant revenue comparable to that of Sinclair.⁶¹ As we have previously noted and “as Congress has stated, for a forfeiture to be an effective deterrent . . . [it] must be issued at a high level . . . to guarantee that forfeitures issued against large or highly profitable entities are not considered merely an affordable cost of doing business.”⁶² Accordingly, the substantial upward adjustment proposed here is warranted.⁶³

19. *Other Stations.* For each of the other stations not owned by Sinclair or Nexstar, we find that an upward adjustment to \$20,000 per station is warranted considering the number, nature, and circumstances of the commercial limit overages. Again, this calculation reflects an upward adjustment for each of these stations supported by multiple factors under section 503(b)(2)(E) relevant to the licensees’ conduct here: the period of time over which the overages occurred (between November 10 and December 16, 2019, with multiple instances of commercial overages for each station (eight for every station) during the period; the length of each overage (a 30-minute program-length commercial); the omission of any claim concerning an effective compliance program; and the inadequacy of the explanation for the overages, *i.e.*, the bald statement that the overages occurred through inadvertence and that the commercial was pulled upon discovery. However, none of these Broadcasters present the same extensive combination of upward adjustment factors that we apply to Sinclair or Nexstar, as discussed above. While some of these licensees are experienced broadcasters, none of them has as lengthy a history of prior offenses of the children’s television commercial limitations as Sinclair. There also is no indication that any of these other station licensees or their parent companies have revenues comparable to those of Sinclair and Nexstar. Accordingly, while the substantial upward adjustments proposed here for these other stations are warranted, the proposed amounts are less than those proposed for Sinclair or Nexstar based on the latter group’s ability to pay warranted.⁶⁴

IV. ORDERING CLAUSES

20. Accordingly, **IT IS ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission’s rules,⁶⁵ that Sinclair Broadcast Group, Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of two million, six hundred and fifty-two thousand dollars (\$2,652,000) for its apparent willful and repeated

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employees in the traffic department and master control to double check scheduled commercial time, including content, during all children’s programming, on both a program and clock hour basis, and to print the program logs before scheduled air time as additional confirmation.”) However, this verbal reminder does not constitute a program of compliance.

⁶¹ Based on publicly available revenues, Nexstar had the second-highest reported revenue of the Broadcasters. Nexstar reported total net revenues of \$4,648,371,000 for 2021, \$4,501,269,000 for 2020, and \$4,501,269,000 for 2019. Nexstar Media Group, Inc. 2021 Annual Report on SEC Form 10-K, at 46 (Feb. 28, 2022.). Sinclair has in excess of \$6 billion reported revenues in 2021. *See supra* note 58.

⁶² *Forfeiture Policy Statement*, 12 FCC Rcd at 17099-100, para. 24. *See SBC Communications Inc.*, Order on Review, 17 FCC Rcd 4043, 4052, para. 20 (2002) (forfeiture paid) (“[A] large and highly profitable company . . . should expect . . . that the forfeiture amount” may “be above, or even well above, the relevant base amount”).

⁶³ However, unlike Sinclair, Nexstar does not have a lengthy history of prior offenses of the children’s television commercial rules. Accordingly, we do not consider that factor in the proposed forfeiture calculation here.

⁶⁴ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, 72 Stat. 384 (codified as amended at 15 U.S.C. §§ 631 *et seq.* (2010))) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

⁶⁵ 47 U.S.C. § 503(b); 47 CFR § 1.80.

violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.⁶⁶

21. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Sinclair Broadcast Group, Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

22. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Cunningham Broadcasting Group, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of one hundred and forty thousand dollars (\$140,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

23. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Cunningham Broadcasting Group, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

24. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Deerfield Media (Port Arthur), Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

25. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Deerfield Media (Port Arthur), Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

26. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Deerfield Media (San Antonio), Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

27. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Deerfield Media (San Antonio), Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

28. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Deerfield Media (Rochester), Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

29. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Deerfield

⁶⁶ 47 CFR § 73.670.

Media (Rochester), Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

30. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that, Deerfield Media (Cincinnati), Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of forty thousand dollars (\$40,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

31. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Deerfield Media (Cincinnati), Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

32. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that GoCom Media of Illinois, LLC, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

33. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, GoCom Media of Illinois, LLC, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

34. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that HSH Flint (WEYI) Licensee, LLC, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

35. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, HSH Flint (WEYI) Licensee, LLC, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

36. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that HSH Myrtle Beach (WWMB) Licensee, LLC, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

37. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, HSH Myrtle Beach (WWMB) Licensee, LLC, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

38. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, Manhan Media, Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

39. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Manhan Media, Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

40. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, Mercury Broadcasting Company, Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

41. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Mercury Broadcasting Company, Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

42. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Mitts Telecasting Company, Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

43. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Mitts Telecasting Company, Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

44. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that MPS Media of Tallahassee License, LLC, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

45. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, MPS Media of Tallahassee License, LLC, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

46. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that MPS Media of Tennessee License, LLC, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

47. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, MPS Media of Tennessee License, LLC, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

48. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Nashville License Holdings, L.L.C., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty

thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

49. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Nashville License Holdings, L.L.C., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

50. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that New Age Media of Gainesville License, LLC, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

51. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, New Age Media of Gainesville License, LLC, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

52. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that New Age Media of Pennsylvania License, LLC, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of forty thousand dollars (\$40,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

53. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, New Age Media of Pennsylvania License, LLC, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

54. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Nexstar Broadcasting, Inc., is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of one hundred and eighty-two thousand dollars (\$182,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

55. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Nexstar Broadcasting, Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

56. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Second Generation of Iowa, LTD, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

57. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Second Generation of Iowa, LTD, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

58. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that Waitt Broadcasting, Inc. is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

59. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Waitt Broadcasting, Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

60. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules, that WTVH License, Inc. is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for its apparent willful and repeated violations of section 73.670 of the Commission's rules, by failing to comply with the limits on commercial matter in children's programming.

61. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules, that, within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, WTVH License, Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

62. Electronic notification of forfeiture payment must be sent to the Chief, Media Bureau, Video Division at Barbara.Kreisman@FCC.gov, and Jeremy Miller at Jeremy.Miller@FCC.gov on the date said payment is made. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission's online payment system),⁶⁷ or by wire transfer. Payments by check or money order to pay a forfeiture are no longer accepted. Below are instructions that payors should follow based on the form of payment selected:⁶⁸

63. Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁶⁹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

64. Payment by credit card must be made by using the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.

⁶⁷ Payments made using CORES do not require the submission of an FCC Form 159.

⁶⁸ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

⁶⁹ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

65. Payment by ACH must be made by using the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

66. Any request for making full payment over time under an installment plan should be sent to: Associate Managing Director—Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.⁷⁰ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201 (option #6), or by e-mail, ARINQUIRIES@fcc.gov.

67. Any written response seeking reduction or cancellation of the proposed forfeiture must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(f)(3) of the Commission's rules.⁷¹ The written response must be filed with the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington DC 20554, ATTN: Barbara Kreisman, Chief, Video Division, Media Bureau, and **MUST INCLUDE** the NAL/Acct. No. referenced above. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.⁷² A courtesy copy emailed to jeremy.miller@fcc.gov will assist in processing the response.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Postal Service First-Class, Express, and Priority Mail must be addressed to 45 L Street, NE, Washington, DC 20554.

68. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (GAAP); or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we have discretion to not reduce or cancel the forfeiture if other prongs of section § 503(b)(2)(E) of the Communications Act of 1934, as amended, support that result.⁷³

⁷⁰ See 47 CFR § 1.1914.

⁷¹ 47 CFR §§ 1.16 and 1.80(f)(3).

⁷² Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (2020).

⁷³ 47 U.S.C. § 503(b)(2)(E). See, e.g., *Adrian Abramovich*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018).

69. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Sinclair Broadcast Group, Inc., c/o Miles S. Mason, Esq., Pillsbury Winthrop Shaw Pittman LLP, 1200 Seventeenth Street, NW, Washington, DC 20036.

70. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Deerfield Media (Port Arthur), Inc., c/o Scott R. Flick, Esq., Pillsbury Winthrop Shaw Pittman LLP, 1200 Seventeenth Street, NW, Washington, DC 20036.

71. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Deerfield Media (San Antonio), Inc., c/o Scott R. Flick, Esq., Pillsbury Winthrop Shaw Pittman LLP, 1200 Seventeenth Street, NW, Washington, DC 20036.

72. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Deerfield Media (Rochester), Inc., c/o Scott R. Flick, Esq., Pillsbury Winthrop Shaw Pittman LLP, 1200 Seventeenth Street, NW, Washington, DC 20036.

73. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Deerfield Media (Cincinnati), Inc., c/o Scott R. Flick, Esq., Pillsbury Winthrop Shaw Pittman LLP, 1200 Seventeenth Street, NW, Washington, DC 20036.

74. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to GoCom Media of Illinois, LLC, c/o Dan Kirkpatrick, Baker & Hostetler LLP, 1050 Connecticut Avenue, NW, Suite 1100, Washington, DC 20036.

75. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to HSH Flint (WEYI) Licensee, LLC, c/o Colby May Esq., P.C., PO Box 15473, Washington, DC 20003.

76. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to HSH Myrtle Beach (WWMB) Licensee, LLC, c/o Colby May Esq., P.C., PO Box 15473, Washington, DC 20003.

77. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Manhan Media, Inc., c/o Scott R. Flick, Esq., Pillsbury Winthrop Shaw Pittman LLP, 1200 Seventeenth Street, NW, Washington, DC 20036.

78. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Mercury Broadcasting Company, Inc., c/o Dan Kirkpatrick, Baker & Hostetler LLP, 1050 Connecticut Avenue, NW, Suite 1100, Washington, DC 20036.

79. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Mitts Telecasting Company, LLC, c/o Christina Burrow, Cooley LLP, 1299 Pennsylvania Avenue, NW, Suite 700, Washington, DC 20004.

80. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to MPS Media of Tallahassee License, LLC, c/o Daniel A Kirkpatrick, Baker & Hostetler LLP, 1050 Connecticut Avenue, NW Suite 1100, Washington, DC 20036.

81. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to MPS Media of Tennessee License, LLC, c/o Daniel Kirkpatrick, Baker & Hostetler LLP, 1050 Connecticut Avenue, NW Suite 1100, Washington, DC 20036.

82. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Nashville License Holdings, L.L.C., c/o Christina Burrow, Cooley LLP, 1299 Pennsylvania Avenue, NW, Suite 700, Washington, DC 20004..

83. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to New Age Media of Gainesville License, LLC, c/o Daniel A Kirkpatrick, Baker & Hostetler LLP, 1050 Connecticut Avenue, NW Suite 1100, Washington, DC 20036.

84. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to New Age Media of Pennsylvania License, LLC, c/o Daniel Kirkpatrick, Baker & Hostetler LLP, 1050 Connecticut Avenue, NW Suite 1100, Washington, DC 20036.

85. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Nexstar Broadcasting, Inc., Elizabeth Ryder, 545 E John Carpenter Freeway, Irving, TX 75062.

86. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Second Generation of Iowa, LTD, c/o Dennis P Corbett, Telecommunications Law Professionals PLLC, 1025 Connecticut Ave, NW, Suite 1011, Washington, DC 20036.

87. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Waitt Broadcasting, Inc., c/o Lawrence Bernstein, Esq., Law Offices of Lawrence Bernstein, 3510 Springland LN NW, Washington, DC 20008.

88. **IT IS FURTHER ORDERED**, that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to WTVH License, Inc., c/o Christina Burrow, Cooley LLP, 1299 Pennsylvania Avenue, NW, Suite 700, Washington, DC 20004.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

Appendix A*Sinclair Broadcast Group, Inc.*

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal LMS File No.
KAAS-LP	11968	0021925797	KSAS Licensee, LLC	Garden City, Kansas	
KAAS-TV	11912	0021925797	KSAS Licensee, LLC	Salina, Kansas	0000184038
KABB	56528	0004970455	KABB Licensee, LLC	San Antonio, Texas	0000188677
KATV	33543	0023870488	KATV Licensee, LLC	Little Rock, Arkansas	0000134828
KBFX-CD	51501	0023174451	Sinclair Bakersfield Licensee, LLC	Bakersfield, California	
KCBY-TV	49750	0023174535	Sinclair Eugene Licensee, LLC	Coos Bay, Oregon	
KDBC-TV	33764	0018608257	KDBC Licensee, LLC	El Paso, Texas	0000188724
KDNL-TV	56524	0002144459	KDNL Licensee, LLC	St. Louis, Missouri	0000162421
KDSM-TV	56527	0005019195	KDSM Licensee, LLC	Des Moines, Iowa	0000162382
KFRE-TV	59013	0018608265	KFRE Licensee, LLC	Sanger, California	
KFXL-TV	84453	0009529157	KHGI Licensee, LLC	Lincoln, Nebraska	0000184093
KHGI-TV	21160	0009529157	KHGI Licensee, LLC	Kearney, Nebraska	0000184081
KJZZ-TV	36607	0025502048	KJZZ Licensee, LLC	Salt Lake City, Utah	0000192722
KMYU	35822	0021144076	KUTV Licensee, LLC	St. George, Utah	0000192731
KOCB	50170	0004970596	KOCB Licensee, LLC	Oklahoma City, Oklahoma	0000183912
KORX-CD	71072	0023174600	Sinclair Kennewick Licensee, LLC	Walla Walla, Washington	
KPIC	61551	0006335509	South West Oregon TV Broadcasting Corp.	Roseburg, Oregon	
KPTH	77451	0022764187	KPTH Licensee, LLC	Sioux City, Iowa	0000162399
KRCG	41110	0022491815	KRCG Licensee, LLC	Jefferson City, Missouri	0000162436
KRVU-LD	40203	0026977595	Sinclair-California Licensee, LLC	Redding, California	
KSAS-LP	11967	0021925797	KSAS Licensee, LLC	Dodge City, Kansas	0000184004
KSAS-TV	11911	0021925797	KSAS Licensee, LLC	Wichita, Kansas	0000184004

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal LMS File No.
KSCC	82910	0024962136	KUQI Licensee, LLC	Corpus Christi, Texas	0000188663
KTUL	35685	0023870496	KTUL Licensee, LLC	Tulsa, Oklahoma	0000183846
KTVL	22570	0021268370	KTVL Licensee, LLC	Medford, Oregon	
KUNP	81447	0023174584	Sinclair LaGrande Licensee, LLC	La Grande, Oregon	
KUNS-TV	4624	0023174477	Sinclair Seattle Licensee, LLC	Bellevue, Washington	
KUNW-CD	167797	0023174600	Sinclair Kennewick Licensee, LLC	Yakima, Washington	
KUTV	35823	0021144076	KUTV Licensee, LLC	Salt Lake City, Utah	0000192734
KVAL-TV	49766	0023174535	Sinclair Eugene Licensee, LLC	Eugene, Oregon	
KVCW	10195	0004970646	KUPN Licensee, LLC	Las Vegas, Nevada	0000192779
KVVK-CD	25358	0023174600	Sinclair Kennewick Licensee, LLC	Kennewick, Etc., Washington	
KYUU-LD	190303	0023174428	Sinclair Boise Licensee, LLC	Boise, Idaho	
WABM	16820	0003180684	Birmingham (WABM-TV) Licensee, Inc.	Birmingham, Alabama	0000129008
WACH	19199	0022491450	WACH Licensee, LLC	Columbia, South Carolina	0000120011
WCHS-TV	71280	0002144434	WCHS Licensee, LLC	Charleston, West Virginia	0000115659
WCIV	9015	0004970851	WMMP Licensee L.P.	Charleston, South Carolina	0000120010
WCTI-TV	18334	0026809707	WCTI Licensee, LLC	New Bern, North Carolina	0000119989
WCWF	73042	0023893217	WCWF Licensee, LLC	Suring, Wisconsin	0000155368
WCWN	73264	0021268297	WCWN Licensee, LLC	Schenectady, New York	
WEAR-TV	71363	0004970935	WEAR Licensee, LLC	Pensacola, Florida	0000123686
WFGX	6554	0011277373	WFGX Licensee, LLC	Fort Walton Beach, Florida	0000123700
WFXL	70815	0022490171	WFXL Licensee, LLC	Albany, Georgia	0000129031
WGME-TV	25683	0004970950	WGME Licensee, LLC	Portland, Maine	
WHP-TV	72313	0026560300	Harrisburg Licensee, LLC	Harrisburg, Pennsylvania	

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal LMS File No.
WICD	25684	0004970836	WICD Licensee, LLC	Champaign, Illinois	0000155358
WICS	25686	0004970802	WICS Licensee, LLC	Springfield, Illinois	0000155354
WJAC-TV	73120	0022463947	WJAC Licensee, LLC	Johnstown, Pennsylvania	
WJAR	50780	0023893225	WJAR Licensee, LLC	Providence, Rhode Island	
WJLA-TV	1051	0020222774	ACC Licensee, LLC	Washington, DC	0000115663
WKEF	73155	0004970844	WKEF Licensee L.P.	Dayton, Ohio	0000148894
WKRC-TV	11289	0021925771	WKRC Licensee, LLC	Cincinnati, Ohio	0000148908
WLFL	73205	0005019781	WLFL Licensee, LLC	Raleigh, North Carolina	0000119994
WLOS	56537	0004676755	WLOS Licensee, LLC	Asheville, North Carolina	0000120063
WLUK-TV	4150	0023893233	WLUK Licensee, LLC	Green Bay, Wisconsin	0000155365
WMSN-TV	10221	0006551824	WMSN Licensee, LLC	Madison, Wisconsin	0000155371
WMYV	25544	0006212906	WUPN Licensee, LLC	Greensboro, North Carolina	0000120007
WNWO-TV	73354	0022491864	WNWO Licensee, LLC	Toledo, Ohio	0000148871
WNYO-TV	67784	0006735864	New York Television, Inc.	Buffalo, New York	
WPNT	73907	0006754667	WCWB Licensee, LLC	Pittsburgh, Pennsylvania	
WRDC	54963	0003175148	Raleigh (WRDC-TV) Licensee, Inc.	Durham, North Carolina	0000119998
WRGB	73942	0021268289	WRGB Licensee, LLC	Schenectady, New York	
WRLH-TV	412	0006551782	WRLH Licensee, LLC	Richmond, Virginia	0000115665
WSBT-TV	73983	0022491823	WSBT Licensee, LLC	South Bend, Indiana	0000142573
WSET-TV	73988	0023870470	WSET Licensee, LLC	Lynchburg, Virginia	0000115666
WSMH	21737	0005020904	WSMH Licensee, LLC	Flint, Michigan	0000148827
WSTM-TV	21252	0022491633	WSTQ Licensee, LLC	Syracuse, New York	
WSTQ-LP	10320	0022491633	WSTQ Licensee, LLC	Syracuse, New York	
WTCN-CD	70865	0021144092	WTVX Licensee, LLC	Palm Beach, Florida	0000123746
WTGS	27245	0023893191	WTGS Licensee, LLC	Hardeeville, South Carolina	0000120018

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal LMS File No.
WTOV-TV	74122	0022463913	WTOV Licensee, LLC	Steubenville, Ohio	0000148930
WTTO	74138	0005020946	WTTO Licensee, LLC	Homewood, Alabama	0000129025
WTVC	22590	0021268313	WTVC Licensee, LLC	Chattanooga, Tennessee	0000142540
WTVX	35575	0021144092	WTVX Licensee, LLC	Fort Pierce, Florida	0000123743
WTVZ-TV	40759	0005020979	WTVZ Licensee, LLC	Norfolk, Virginia	0000115652
WTWC-TV	66908	0004970901	WTWC Licensee, LLC	Tallahassee, Florida	0000123726
WUCW	36395	0003865078	KLGT Licensee, LLC	Minneapolis, Minnesota	0000175973
WUHF	413	0006551568	WUHF Licensee, LLC	Rochester, New York	
WUTV	415	0006551626	WUTV Licensee, LLC	Buffalo, New York	
WVTV	74174	0002209260	WVTV Licensee, Inc.	Milwaukee, Wisconsin	0000155375
WWMT	74195	0021268263	WWMT Licensee, LLC	Kalamazoo, Michigan	0000148834
WXLV-TV	414	0006551709	WXLV Licensee, LLC	Winston-Salem, North Carolina	0000120002
WZTV	418	0006551758	WZTV Licensee, LLC	Nashville, Tennessee	0000142556

Cunningham Broadcasting Corporation

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WEMT	40761	0014740716	Tri-Cities (WEMT-TV) Licensee, Inc.	Greeneville, Tennessee	LMS File No. 0000142612 ¹
WMYA	56548	0009336348	Anderson (WFBC-TV), Licensee, LLC	Anderson, South Carolina	LMS File No. 0000119946
WPFO	84088	0026729665	Portland (WPFO-TV) Licensee, Inc.	Waterville, Maine	OPIF filed 1/28/2019
WTTE	74137	0003778925	Columbus (WTTE-TV) Licensee, Inc.	Columbus, Ohio	LMS File No. 0000148208
WYDO	35582	0027174721	New Bern (WYDO-TV) Licensee, Inc.	Greenville, North Carolina	LMS File No. 0000119938
KTXD-TV	42359	0000034280	Greenville (KTXD-TV) Licensee, Inc.	Greenville, TX	LMS File No. 000018852

¹ The renewal application states that the episodes aired on two of the station's program streams.

Deerfield Media (Port Arthur), Inc.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
KBTV-TV	61214	0021989033	Deerfield Media (Port Arthur), Inc.	Port Arthur, Texas	LMS File No. 0000188614

Deerfield Media (San Antonio), Inc.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
KMYS	51518	0022238778	Deerfield Media (San Antonio), Inc.	Kerrville, Texas	LMS File No. 0000188645

Deerfield Media (Rochester), Inc

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WHAM-TV	73371	0022244495	Deerfield Media (Rochester) Licensee, LLC	Rochester, New York	OPIF filed 11/4/2020

Deerfield Media (Cincinnati) Licensee, LLC

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WSTR-TV	11204	0022238810	Deerfield Media (Cincinnati) Licensee, LLC	Cincinnati, Ohio	LMS File No. 0000148180 ²

GoCom Media of Illinois, LLC

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WBUI	16363	0015021157	GoCom Media of Illinois, LLC	Decatur, Illinois	OPIF filed on 1/28/2019 ³

HSH Flint (WEYI) Licensee, LLC

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
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² The renewal application states that the episodes aired on two of the station's program streams.

³ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000155313.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WEYI-TV	72052	0022522981	HSH Flint (WEYI) Licensee, LLC	Saginaw, Michigan	OPIF filed on 1/28/2019 ⁴

HSH Myrtle Beach (WWMB) Licensee, LLC

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WWMB	3133	0023159734	HSH Myrtle Beach (WWMB) Licensee, LLC	Florence, South Carolina	OPIF filed on 4/19/2021 ⁵

Manhan Media, Inc.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WWHO	21158	0021241484	Manhan Media, Inc.	Chillicothe, Ohio	LMS File No. 0000148170

Mercury Broadcasting Company, Inc.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
KMTW	77063	0004995882	Mercury Broadcasting Company, Inc.	Hutchinson, Kansas	LMS File No. 0000183206

Mitts Telecasting Company, LLC

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
KXVO	23277	0019424746	Mitts Telecasting Company, LLC	Omaha, Nebraska	LMS File No. 0000183694

MPS Media

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WTLF	82735	0015431570	MPS Media of Tallahassee License, LLC	Tallahassee, Florida	OPIF filed on 1/29/2019 ⁶

⁴ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000147301.

⁵ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000119564.

⁶ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000123433.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WFLI-TV	72060	0017130642	MPS Media of Tennessee License, LLC	Cleveland, Tennessee	OPIF filed on 1/29/2019 ⁷

Nashville License Holdings

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WNAB	73310	0003797305	Nashville License Holdings, L.L.C.	Nashville, Tennessee	LMS File No. 0000142032

New Age Media of Gainesville License, LLC

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WGFL	7727	0015435407	New Age Media of Gainesville License, LLC	High Springs, Florida	OPIF filed on 1/28/2019 ⁸

New Age Media of Pennsylvania License, LLC

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WOLF-TV	73375	0015435357	New Age Media of Pennsylvania License, LLC	Hazleton, Pennsylvania	OPIF filed on 1/28/2019
WQMY	52075	0015435357	New Age Media of Pennsylvania License, LLC	Williamsport, Pennsylvania	OPIF filed on 1/28/2019

Nexstar Broadcasting, Inc.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
KDVR	126	0022824668	Tribune Broadcasting Company II, LLC	Denver, Colorado	LMS File No. 0000175158
KIAH	23394	0005047105	Tribune Media Company	Houston, Texas	LMS File No. 0000188808
KTLA	35670	0005047105	Tribune Media Company	Los Angeles, California	OPIF filed on 1/26/2019
KTXL	10205	0005047105	Tribune Media Company	Sacramento, California	OPIF filed on 2/8/2019

⁷ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000142526.

⁸ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000123425.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WGN-TV	72115	0005047105	Tribune Media Company	Chicago, Illinois	LMS File No. 0000155350
WGNO	72119	0002847564	Tribune Television New Orleans, Inc.	New Orleans, Louisiana	LMS File No. 0000134899
WDAF	11291	0003476421	WDAF License, Inc.	Kansas City, Missouri	OPIF filed on 1/28/2019 ⁹

Second Generation of Iowa, LTD

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
KFXA	35336	0003742939	Second Generation of Iowa, LTD	Cedar Rapids, Iowa	OPIF filed on 1/28/2019 ¹⁰

Waitt Broadcasting, Inc.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
KMEG	39665	0004957650	Waitt Broadcasting, Inc.	Sioux City, Iowa	OPIF filed on 1/28/2019 ¹¹

WTVH License, Inc.

Station	Fac. ID.	FRN	Licensee	Community of License	Renewal No./ OPIF Cert.
WTVH	74151	0006583298	WTVH License, Inc.	Syracuse, New York	OPIF filed on 1/27/2019

⁹ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000161555.

¹⁰ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000161068.

¹¹ Licensee did not disclose Hot Wheels violation in its renewal application. See LMS File No. 0000159443.

Appendix BProposed Forfeitures

Licensee or Ultimate Parent	FRN	Number of Stations	Violation Amount per Station	Amount of Proposed Forfeiture
Sinclair Broadcast Group, Inc.	0004331096	83 ¹	\$32,000	\$2,652,000
Cunningham Broadcasting Corporation	0003778552	6 ²	\$20,000	\$140,000
Deerfield Media (Port Arthur), Inc.	0021989033	1	\$20,000	\$20,000
Deerfield Media (San Antonio), Inc.	0022238778	1	\$20,000	\$20,000
Deerfield Media (Rochester), Inc.	0022244495	1	\$20,000	\$20,000
Deerfield Media (Cincinnati), Inc.	0022238810	1 ³	\$20,000	\$40,000
GoCom Media of Illinois, LLC	0015021157	1	\$20,000	\$20,000
HSH Flint (WEYI) Licensee, LLC	0022522981	1	\$20,000	\$20,000
HSH Myrtle Beach (WWMB) Licensee, LLC	0023159734	1	\$20,000	\$20,000
Manhan Media, Inc.	0021241484	1	\$20,000	\$20,000
Mercury Broadcasting Company, Inc.	0004995882	1	\$20,000	\$20,000
Mitts Telecasting Company, LLC	0019424746	1	\$20,000	\$20,000
MPS Media of Tallahassee License, LLC	0015431570	1	\$20,000	\$20,000
MPS Media of Tennessee License, LLC	0017130642	1	\$20,000	\$20,000
Nashville License Holdings, L.L.C.	0003797305	1	\$20,000	\$20,000
New Age Media of Gainesville License, LLC	0015435407	1	\$20,000	\$20,000
New Age Media of Pennsylvania License, LLC	0015435357	2	\$20,000	\$40,000
Nexstar Broadcasting, Inc.	0009961889	7	\$26,000	\$182,000

¹ WABM aired seven episodes containing “Hot Wheels Super Ultimate Garage” commercials rather than the eight aired by the other stations and thus we find an upward adjustment to \$28,000 warranted for WABM. As noted previously, we find an upward adjustment to \$32,000 for each of the other 82 Sinclair stations. Accordingly, for Sinclair, the proposed forfeiture was calculated as follows: $82 \times \$32,000 + \$28,000 = \$2,652,000$.

² Episodes aired on two of WEMT’s program streams.

³ Episodes aired on two ofWSTR-TV’s program streams.

Second Generation of Iowa, LTD	0003742939	1	\$20,000	\$20,000
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Proposed Forfeitures

Licensee or Ultimate Parent	FRN	Number of Stations	Violation Amount per Station	Amount of Proposed Forfeiture
Waitt Broadcasting, Inc.	0004957650	1	\$20,000	\$20,000
WTVH License, Inc.	0006583298	1	\$20,000	\$20,000

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Cunningham Broadcasting Corporation, et al.*, Notice of Apparent Liability for Forfeiture

It is not always easy to be a mom right now. I know, because I am one. The screens around us are multiplying, and it is hard to keep tabs on what our kids are consuming. But in the Children's Television Act, Congress sought to ensure that broadcasting would remain a special place for kids' content. The law put clear limits on advertising on children's programming. Those limits were ignored here, where broadcasters mixed toy commercials with content and violated our rules. This Notice of Apparent Liability is the result. I thank my colleagues for supporting this enforcement action because every parent wants to know their kids are safe and with so many ways to watch, honoring the principles in the Children's Television Act is essential.

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *In the Matter of Cunningham Broadcasting Corporation, et al.*, Notice of Apparent Liability for Forfeiture

I have heard from parents across the United States who consistently use one word when they describe children's programming—"trust." Our rules prohibit broadcasters from airing advertisements during children's programming for products that are featured in that programming. Specifically, prohibiting these "program length commercials" codifies a specific concern Congress raised when it passed the Children's Television Act of 1990—the commercialization of broadcast children's programming. If anything, this rule is more important now than it was 30 years ago, particularly given the rise of online programming.

An analogy may help. If non-broadcast sources, including online outlets, are the ocean—where there may or may not be harsh waves and danger—then broadcast television is the trusted local pool. Yes, many families today may turn online for children's programming (though, as I've previously discussed, this is not an option for all households, including those that still lack access to broadband at home), but there are no limits on the commercialization of non-broadcast children's programming. Without those limits, we see content that appears designed to advertise to children—serving children targeted advertisements, and even collecting their personal information for advertising and other purposes. Thankfully, broadcast television offers a safe alternative. And not only is it the sole platform where advertising on children's programming is regulated and limited, but that programming is available to all Americans for free over-the-air. Broadcasters must live up to their obligations to ensure that their platform continues to play this important role for our nation's families.

Which brings us to today. The violations before us are as textbook as they come, and were conceded by the broadcasters. Here, they repeatedly aired commercials for a Hot Wheels-themed toy during a Hot Wheels-themed program. I support our action against these clear rule violations. Today, this earns these 21 broadcasters substantial fines. But my hope is that tomorrow, and in the days that follow, it motivates them—and all broadcasters, large and small—to dedicate those resources necessary to ensure compliance with this important rule.