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WILKINSON) BARKER) KNAUER) LLP

2300 N STREET, NW
SUITE 700
WASHINGTON, DC 20037
TEL 202.783.4141
FAX 202.783.5851
www.wbklaw.com

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VIA HAND DELIVERY

Peter Saharko, Attorney Adviser
Video Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Statement for the Record in Response to Notices of Apparent Liability
KRHD-CD, Bryan, Texas, FIN 68538 – NAL/Acct. No. 201441420025
KXXV(TV), Waco, Texas, FIN 9781 – NAL/Acct. No. 201441420028

Dear Mr. Saharko:

Centex Television Limited Partnership ("Centex"), the licensee of KRHD-CD, Bryan, Texas, and KXXV(TV), Waco, Texas (each, a "Station"), hereby responds to the Notices of Apparent Liability (each, an "NAL") issued on July 18, 2014,[1] and July 31, 2014,[2] respectively. Each NAL proposed a forfeiture of $1,000 for apparent violations of Section 73.3526(e)(11)(iii) of the Commission's rules. The cited rule requires a television station to publicize the existence and location of the station's Children's Television Programming FCC Form 398 Reports ("Form 398 Reports"). In each Station's license renewal application, Centex disclosed that, due to an administrative error, it failed to broadcast such notice from the beginning of 2013 until the preparation of the renewal application.

The Commission's rules have never required broadcasters to state with specificity or in detail the efforts they have undertaken to make the information in the Form 398 Reports available to viewers. Such a requirement was proposed and specifically rejected by the Commission.[3] Instead, the requirement since 1996 has been that television stations "publicize in

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[1] *Centex Television Limited Partnership, KRHD-CD*, Notice of Apparent Liability for Forfeiture, DA 14-1009 (MB rel. July 18, 2014).
[2] *Centex Television Limited Partnership, KXXV(TV),* Notice of Apparent Liability for Forfeiture, DA 14-1089 (MB rel. July 31, 2014).
[3] *See Extension of the Filing Requirement For Children's Television Programming Reports (FCC Form 398)*, Report and Order, FCC 00-343, 15 FCC Rcd 22921, ¶ 78 (2000).

an appropriate manner the existence and location of their children's programming reports."[4] In adopting this requirement, the Commission did not specify any particular "appropriate manner" other than to suggest that, "for example, announcing their existence and location periodically over the air"[5] would be appropriate. Thus, the Commission gave stations the discretion to determine their individual appropriate means for publicizing such information.

Nowhere does the Commission define "periodically over the air" or otherwise provide comprehensive guidance on how to meet this standard. Given this lack of guidance, Centex maintains that there was no rule violation in these cases. As Centex noted in its renewal applications, it broadcast the existence of the Form 398 Reports on each Station for the vast majority of the license term. While Centex does not want to incur the additional expense of contesting the NALs and will pay the proposed forfeitures, it maintains that it did in fact adequately inform the public about the existence of the Form 396 Reports "in an appropriate manner" by announcing their existence "periodically over the air" for the vast majority of the Stations' license terms.

Respectfully submitted,

David Oxenford
Kelly Donohue

Counsel for Centex Television Limited Partnership

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[4] *Policies and Rules Concerning Children's Television Programming Revision of Programming Policies for Television Broadcast Stations*, Report and Order, FCC 96-335, 11 FCC Rcd 10660, ¶ 67 (1006)
[5] *Id.* at ¶ 66.