

Celebrating 25 years of dedicated service to clients in the communications industries.

To: All Television Clients

May 20, 2008

FAILURE TO COMPLY WITH FCC'S CHILDREN'S TELEVISION RULES CAN BE COSTLY

The FCC recently issued a Notice of Apparent Liability ("NAL") in the amount of \$20,000 against Sage Broadcasting Corp., licensee of Class A television station KIDV-LP, for alleged violations of the FCC's children's television rules. Sage disclosed in its station's license renewal application that it had failed to file with the FCC and place in the station's public inspection file Children's Television Programming Reports from 2002 through 2005, and that the station had exceeded the children's television commercial limits on five occasions by a total of more than 11 minutes. In addition, the FCC found that the station had failed to publicize the existence and location of the station's Children's Television Programming Reports.

The station is part of a group of five co-owned Class A stations that air the same children's programming. In its response, Sage argued that a station employee mistakenly believed that children's television programming reports were not required for its four Class A stations with a "-LP" suffix since low power television stations are not required to file such reports. Sage also argued that the station's commercial limits violations were due to human error.

The FCC has repeatedly rejected human error and inadvertence as a basis for

excusing violations of the children's television commercial limits, and has stated that corrective actions taken to prevent subsequent violations of the children's television rules and policies do not relieve a licensee of liability for violations that have already occurred. In this instance, the FCC determined that a \$20,000 forfeiture was appropriate.

In order to avoid the imposition of costly fines for violations of the children's television rules and substantial delays in the grant of your station's license renewal application, you should carefully review your continued compliance with those rules on a regular basis to ensure that all required reports are filed with the FCC and/or placed in your station's public inspection file in a timely fashion, that you correctly publicize the existence and location of your Children's Television Programming Reports, and that you comply with the commercial limits applicable to children's television programming.

If you have any questions concerning compliance with the children's television programming rules, please contact any attorney in our office.

Leventhal Senter & Lerman PLLC