

## COMMERCIAL LIMIT CERTIFICATION

I, Ken Davis, in my capacity as Traffic Manager of television station WDES-CA, Channel 48, Key West, FL, hereby certify that for the period from 10/01/09 - 12/31/09:

1) I am familiar with the commercial limits imposed by Section 73.760(a) of the FCC's rules (no more than 12 minutes per hour of commercial material may be broadcast during children's programming<sup>1</sup> during the week, and no more than 10 ½ minutes per hour on weekends) and that commercial matter means air time sold for the purpose of selling a product or service *as well as* promotions of television programs or video services other than children's or other age-appropriate programming appearing on the same channel or promotions for children's educational and information programming on any channel;

2) I am familiar with the requirement in Section 73.760(b) of the FCC's rules that display of website addresses during children's program material, or promotional material not counted as commercial time, is permitted only if: a) the website offers a substantial amount of *bona fide* program-related or other noncommercial content; b) the website is not primarily intended for commercial purposes, including either e-commerce or advertising; c) the website's home page or other menu pages are clearly labeled to distinguish the noncommercial from the commercial sections; and d) the page of the website to which viewers are directed is not used for e-commerce, advertising, or other commercial purposes (*e.g.*, has no links labeled "store" and no links to another page with commercial material).

3) I am aware that Section 73.760(c) of the FCC's rules provides that if the Internet address for the website does not meet the above 4-prong test, in addition to counting as commercial time, it must be clearly separated from program material.

4) I am familiar with Section 73.760(d) of the FCC's rules which prohibits the display of website addresses in or adjacent to children's program material, if, at that time, on pages that are primarily devoted to free noncommercial content regarding that specific program or a character in that specific program: (i) products are sold that feature a character appearing in that program; or (ii) a character in that program is used to actively sell products or services.

5) Attached as Exhibit 1 is a true and correct list of all children's programming aired during the period listed above (both educational and informational ("E/I") programming and other entertainment programming targeting children ages 12 and under);

6) Attached as Exhibit 2 are print-outs of web pages for which Internet addresses were displayed during children's program material, or promotional material not counted as commercial time, as well as the print outs of other web pages linked to the displayed website.

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<sup>1</sup> "Children's programming" when used here means programming originally produced and broadcast primarily for an audience of children ages 12 years and under.

7) Attached as Exhibit 3 is a complete list of all instances in which the commercial time limits were exceeded for, or noncompliant websites were displayed in, the programs listed in Exhibit 1 during the period listed above.

Certified by me this 9<sup>th</sup> day of January, 2010.

Ken Davis  
Signature

Traffic Manager  
Title

Exhibit 1

List of Children's Programming Aired  
During Certification Period

Station: WDES-CA

Certification Period Dates: 10/01/09 - 12/31/09

List of Children's Programs:<sup>2</sup>

On File

KD  
Certifying person's initials

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<sup>2</sup> "Children's programming" when used here means programming originally produced and broadcast primarily for an audience of children ages 12 years and under.

Exhibit No. 2

Print Outs of Web Pages  
For which Internet Addresses were Displayed during  
Children's Program Material or during  
Promotional Announcements Not Counted as Commercial Time

Station: WDES-CA

Certification Period Dates: 10/01/09 - 12/31/09

Time & Date	Name of Program, Adjacency, or Promotion	Website Address	Attachment # (dated copies of web site print-outs)
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On File

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Certifying person's initials

Exhibit No. 3

List of All Instances in which Commercial  
Time Limits Were Exceeded

Station: WDES-CA

Certification Period Dates: 10/01/09 - 12/31/09

<u>Time &amp; Date</u>	<u>Name of Program</u>	<u>Allowable Commercial Load</u>	<u>Actual Commercial Load</u>	<u>Explanation, Remedial Measures Taken, and Comments</u>
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NONE

KD

Certifying person's initials