

**K36NE-D Children's Programming Comprehensive Amendment,  
Fourth Quarter 2017 to Third Quarter 2019 (Through September 15, 2019)**

K36NE-D ("K36NE") was acquired by HC2 Station Group, Inc. ("HC2") on November 24, 2017.

HC2 hereby amends the K36NE children's programming reports for the Fourth Quarter of 2017 to the Third Quarter of 2019 (through September 15, 2019). To summarize the amendments detailed below, which demonstrate compliance across all quarters:

1. In Q4 2017 (File No. 0000037075), an average of 7.3 hours per week of Core Programming aired on the primary channel, and for two multicast channels, an average of 1.32 hours per channel per week of Core Programming. However, when combined with the 7.3 hours of Core Programming that aired on the primary channel, the station aired an average of 3.31 hours of Core Programming aired each week on a per channel basis.
2. In Q1 2018 (File No. 0000049665), an average of 6.8 hours per week of Core Programming aired on the primary channel, and for two multicast channels, an average of 2.3 hours per channel per week of Core Programming. However, when combined with the 6.8 hours of Core Programming that aired on the primary channel, the station aired an average of 3.8 hours of Core Programming aired each week on a per channel basis.
3. In Q2 2018 (File No. 0000056845), there was an average of 7.46 hours per week of Core Programming on the primary channel, and for two multicast channels, an average of 2.75 hours per channel per week of Core Programming. However, when combined with the 7.46 hours of Core Programming that aired on the primary channel, the station aired an average of 4.32 hours of Core Programming aired each week on a per channel basis.
4. In Q3 2018 (File No. 0000060839), there was an average of 9.57 hours per week of Core Programming on the primary channel, and for one multicast channel, an average of 3.46 hours per channel per week of Core Programming.
5. In Q4 2018 (File No. 0000067187), there was an average of 28 hours per week of Core Programming on the primary channel, and for one multicast channel, an average of 4.5 hours per channel per week of Core Programming.
6. In Q1 2019 (File No. 0000068997), there was an average of 7.42 hours per week of Core Programming on the primary channel, and for two multicast channels, an average of 0.0 hours per channel per week of Core Programming. However, when combined with the 7.42 hours of Core Programming that aired on the primary channel, the station aired an average of 2.47 hours of Core Programming aired each week on a per channel basis. Under the Commission's processing guidelines, broadcast stations may demonstrate compliance by airing three hours per week of Core Programming averaged over a six-month period. Because the station aired significantly more than the required amount of Core Programming in the Fourth Quarter of 2018, when averaged over a six-month period, the station was in compliance with its Core Programming obligations during the First Quarter of 2019. Specifically, in the Fourth Quarter of 2018, the station aired 28 hours of

Core Programming on its main program stream, and 4.5 hours of Core Programming on its multicast stream, for a total of 32.5 hours of Core Programming, when only 6 hours of Core Programming was required. This leaves 26.5 hours of Core Programming to carry over to the First Quarter of 2019, which is more than sufficient to add an additional 0.53 hours of Core Programming to the two multicast channels, thus averaging at least 3 hours of Core Programming on each of the station's three channels during the First Quarter of 2019.

7. In Q2 2019 (File No. 0000077271), there was an average of 3.5 hours per week of Core Programming on the primary channel, and for two multicast channels, an average of 0.23 hours per channel per week of Core Programming, for an apparent shortfall of 1.68 hours per channel during the quarter. However, because the station voluntarily aired more than 20 hours per week of extra Core Programming in the Fourth Quarter of 2018 (even after accounting for the 6-month averaging over the First Quarter of 2019), which went well beyond the required 3 hours per channel per week requirement, HC2 requests a waiver of the processing guidelines to allow a portion of Fourth Quarter 2018 Core Programming to apply to Second Quarter 2019 Core Programming obligations. As set forth below in the detailed waiver showing, the station aired at least 42 hours of additional Core Programming beyond the minimum requirements for the applicable period, and this overall commitment to airing Core Programming should be taken into account in connection with the processing guidelines for the station's license renewal application.
8. In Q3 2019 (through September 15, 2019) (File No. 0000085945), there was an average of 3.5 hours per week of Core Programming on the primary channel and 1.5 hours per week on each of the two multicast channels, leaving an apparent deficiency of 1.0 hour of Core Programming for the relevant period of this quarter. For the same reasons set forth in the waiver requested for the Second Quarter of 2019, HC2 requests a limited waiver with respect to the relevant period of the Third Quarter of 2019, prior to the rule change on September 16, 2019. Notably, the station would have been deemed in compliance under the new rules that became effective on that date.

#### **Fourth Quarter 2017**

**State the average number of hours of Core Programming per week broadcast by the station on its main program stream.**

An average of 7.3 hours of Core Programming per week was broadcast by the station on its main program stream (the channel 43.1 stream – Three Angels Broadcasting). Specifically:

1. Tiny Tots for Jesus (43.1) aired 90 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 45 hours of Core Programming.
2. Kids Time (43.1) aired 74 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 37 hours of Core Programming.
3. Kids Time Praise (43.1) aired 26 times during the quarter at its regularly scheduled

time and each program was 30 minutes in length, for a total of 13 hours of Core Programming.

Thus, a total of 95 hours of Core Programming aired on the primary channel during the quarter which, when divided by 13 weeks, equals an average of 7.3 hours per week of Core Programming.

**State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.**

An average of 336 hours of free over-the-air digital video programming per week was broadcast by the station on other than its main program stream, representing two multicast channels operating 24 hours a day, 7 days per week – Three Angels Broadcasting (Spanish) (43.2), and Revenue Frontier (43.3).

**State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream.**

A total of 34.5 hours of Core Programming was broadcast by the station on other than its main program stream which, when divided among 2 multicast stations across 13 weeks, equals an average of 1.32 hours per channel per week of Core Programming. Specifically:

1. Cocina Con Color (43.2) aired 8 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 4 hours of Core Programming.
2. Estrelitas de Jesus (43.2) aired 34 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 17 hours of Core Programming.
3. Amiguitos de Jesus (43.2) aired 27 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 13.5 hours of Core Programming.

Thus, the total number of Core Programming hours for the two multicast channels (channels 36.2 and 36.3) was 34.5 hours during the quarter. Divided by 13 weeks, this means that an average of 2.65 hours per week of Core Programming were broadcast by the station on other than its main program stream which, when divided among 2 multicast stations, represents an average of 1.32 hours per channel per week of Core Programming. When combined with the average of 7.3 hours of Core Programming on the primary channel, an average of more than 3.31 hours of Core Programming aired each week on a per channel basis.

**First Quarter 2018**

**State the average number of hours of Core Programming per week broadcast by the station on its main program stream.**

An average of 6.8 hours of Core Programming per week was broadcast by the station on

its main program stream (the channel 43.1 stream – Three Angels Broadcasting). Specifically:

1. Tiny Tots for Jesus (43.1) aired 80 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 40 hours of Core Programming.
2. Kids Time (43.1) aired 74 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 37 hours of Core Programming.
3. Kids Time Praise (43.1) aired 24 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 12 hours of Core Programming.

Thus, a total of 89 hours of Core Programming aired on the primary channel during the quarter which, when divided by 13 weeks, equals an average of 6.8 hours per week of Core Programming.

**State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.**

An average of 336 hours of free over-the-air digital video programming per week was broadcast by the station on other than its main program stream, representing two multicast channels operating 24 hours a day, 7 days per week – Three Angels Broadcasting (Spanish) (36.2), and Revenue Frontier (36.2).

**State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream.**

A total of 60 hours of Core Programming was broadcast by the station on other than its main program stream which, when divided among 2 multicast stations across 13 weeks, equals an average of 2.3 hours per channel per week of Core Programming. Specifically:

1. Cocina Con Color (43.2) aired 13 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 6.5 hours of Core Programming.
2. Estrelitas de Jesus (43.2) aired 62 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 31 hours of Core Programming.
3. Amiguitos de Jesus (43.2) aired 45 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 22.5 hours of Core Programming.

Thus, the total number of Core Programming hours for the two multicast channels (channels 43.2 and 43.3) was 60 hours during the quarter. Divided by 13 weeks, this means that an average of 4.61 hours per week of Core Programming were broadcast by the station on other than its main program stream which, when divided among 2 multicast stations, represents an average of 2.3 hours per channel per week of Core Programming. When combined with the average of 6.8 hours of Core Programming on the primary channel, an average of more than 3.8

hours of Core Programming aired each week on a per channel basis.

### **Second Quarter 2018**

**State the average number of hours of Core Programming per week broadcast by the station on its main program stream.**

An average of 7.46 hours of Core Programming per week was broadcast by the station on its main program stream (the channel 43.1 stream – Three Angels Broadcasting). Specifically:

1. Tiny Tots for Jesus (43.1) aired 90 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 45 hours of Core Programming.
2. Kids Time (43.1) aired 78 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 39 hours of Core Programming.
3. Kids Time Praise (43.1) aired 26 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 13 hours of Core Programming.

Thus, a total of 97 hours of Core Programming aired on the primary channel during the quarter which, when divided by 13 weeks, equals an average of 7.46 hours per week of Core Programming.

**State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.**

An average of 336 hours of free over-the-air digital video programming per week was broadcast by the station on other than its main program stream, representing two multicast channels operating 24 hours a day, 7 days per week – Three Angels Broadcasting (Spanish) (43.2), and Revenue Frontier (43.3).

**State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream.**

A total of 71.5 hours of Core Programming was broadcast by the station on other than its main program stream which, when divided among 2 multicast stations across 13 weeks, equals an average of 2.75 hours per channel per week of Core Programming. Specifically:

1. Cocina Con Color (36.2) aired 13 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 6.5 hours of Core Programming.
2. Estrelitas de Jesus (36.2) aired 65 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 32.5 hours of Core Programming.
3. Amiguitos de Jesus (36.2) aired 65 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 32.5 hours of Core

Programming.

Thus, the total number of Core Programming hours for the two multicast channels (channels 43.2 and 43.3) was 71.5 hours during the quarter. Divided by 13 weeks, this means that an average of 5.5 hours per week of Core Programming were broadcast by the station on other than its main program stream which, when divided among 2 multicast stations, represents an average of 2.75 hours per channel per week of Core Programming. When combined with the average of 7.46 hours of Core Programming on the primary channel, an average of more than 4.32 hours of Core Programming aired each week on a per channel basis.

### **Third Quarter 2018**

**State the average number of hours of Core Programming per week broadcast by the station on its main program stream.**

An average of 9.57 hours of Core Programming per week was broadcast by the station on its main program stream (the channel 43.1 stream – Three Angels Broadcasting). Specifically:

1. Tiny Tots for Jesus (43.1) aired 79 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 39.5 hours of Core Programming.
2. Kids Time (43.1) aired 79 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 39.5 hours of Core Programming.
3. Kids Time Praise (43.1) aired 91 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 45.5 hours of Core Programming.

Thus, a total of 124.5 hours of Core Programming aired on the primary channel during the quarter which, when divided by 13 weeks, equals an average of 9.57 hours per week of Core Programming.

**State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.**

An average of 168 hours of free over-the-air digital video programming per week was broadcast by the station on other than its main program stream, representing one multicast channel operating 24 hours a day, 7 days per week – Three Angels Broadcasting (Spanish) (43.2).

**State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream.**

A total of 45 hours of Core Programming was broadcast by the station on other than its main program stream which, when divided across 13 weeks, equals an average of 3.46 hours per channel per week of Core Programming. Specifically:

1. Cocina Con Color (43.2) aired 9 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 4.5 hours of Core Programming.
2. Estrelitas de Jesus (43.2) aired 36 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 18 hours of Core Programming.
3. Amiguitos de Jesus (43.2) aired 45 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 22.5 hours of Core Programming.

Thus, the total number of Core Programming hours for the one multicast channel (channel 43.2) was 45 hours during the quarter. Divided by 13 weeks, this means that an average of 3.46 hours per week of Core Programming were broadcast by the station on other than its main program stream.

#### **Fourth Quarter 2018**

**State the average number of hours of Core Programming per week broadcast by the station on its main program stream.**

An average of 28 hours of Core Programming per week was broadcast by the station on its main program stream (the channel 43.1 stream – Three Angels Broadcasting). Specifically:

1. Tiny Tots for Jesus (43.1) aired 247 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 123.5 hours of Core Programming.
2. Kids Time (43.1) aired 247 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 123.5 hours of Core Programming.
3. Kids Time Praise (43.1) aired 234 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 117 hours of Core Programming.

Thus, a total of 364 hours of Core Programming aired on the primary channel during the quarter which, when divided by 13 weeks, equals an average of 28 hours per week of Core Programming.

**State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.**

An average of 168 hours of free over-the-air digital video programming per week was broadcast by the station on other than its main program stream, representing one multicast channel operating 24 hours a day, 7 days per week – Three Angels Broadcasting (Spanish) (43.2).

**State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream.**

A total of 58.5 hours of Core Programming was broadcast by the station on other than its main program stream which, when divided across 13 weeks, equals an average of 4.5 hours per channel per week of Core Programming. Specifically:

1. Estrelitas de Jesus (43.2) aired 52 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 26 hours of Core Programming.
2. Amiguitos de Jesus (43.2) aired 65 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 32.5 hours of Core Programming.

Thus, the total number of Core Programming hours for the one multicast channel (channel 43.2) was 58.5 hours during the quarter. Divided by 13 weeks, this means that an average of 4.5 hours per week of Core Programming were broadcast by the station on other than its main program stream.

### **First Quarter 2019**

**State the average number of hours of Core Programming per week broadcast by the station on its main program stream.**

An average of 7.42 hours of Core Programming per week was broadcast by the station on its main program stream (the channel 43.1 stream – Three Angels Broadcasting). Specifically:

1. A Day with the King (43.1) aired 13 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 6.5 hours of Core Programming.
2. Kids Time (43.1) aired 77 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 38.5 hours of Core Programming.
3. Kids Time Praise (43.1) aired 77 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 38.5 hours of Core Programming.
4. The Creation Case (43.1) aired 26 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 13 hours of Core Programming.

Thus, a total of 96.5 hours of Core Programming aired on the primary channel during the quarter which, when divided by 13 weeks, equals an average of 7.42 hours per week of Core Programming.

**State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.**

An average of 336 hours of free over-the-air digital video programming per week was



broadcast by the station on other than its main program stream, representing two multicast channels operating 24 hours a day, 7 days per week – CRTV (43.2) and Revenue Frontier (43.3).

**State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream.**

No Core Programming was broadcast by the station on other than its main program stream during the quarter. However, when combined with the 7.42 hours of Core Programming that aired on the primary channel, the station aired an average of 2.47 hours of Core Programming aired each week on a per channel basis. Under the Commission's processing guidelines, broadcast stations may demonstrate compliance by airing three hours per week of Core Programming averaged over a six-month period. Because the station aired significantly more than the required amount of Core Programming in the Fourth Quarter of 2018, when averaged over a six-month period, the station was in compliance with its Core Programming obligations during the First Quarter of 2019. Specifically, in the Fourth Quarter of 2018, the station aired 28 hours of Core Programming on its main program stream, and 4.5 hours of Core Programming on its multicast stream, for a total of 32.5 hours of Core Programming, when only 6 hours of Core Programming was required. This leaves 26.5 hours of Core Programming to carry over to the First Quarter of 2019, which is more than sufficient to add an additional 0.53 hours of Core Programming to the two multicast channels, thus averaging at least 3 hours of Core Programming on each of the station's three channels during the First Quarter of 2019.

**Second Quarter 2019**

**State the average number of hours of Core Programming per week broadcast by the station on its main program stream.**

An average of 3.5 hours of Core Programming per week was broadcast by the station on its main program stream (the channel 43.1 stream – Three Angels Broadcasting). Specifically:

1. A Day with the King (43.1) aired 13 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 6.5 hours of Core Programming.
2. Kids Time Praise (43.1) aired 52 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 26 hours of Core Programming.
3. The Creation Case (43.1) aired 26 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 13 hours of Core Programming.

Thus, a total of 45.5 hours of Core Programming aired on the primary channel during the quarter which, when divided by 13 weeks, equals an average of 3.5 hours per week of Core Programming.

**State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.**

An average of 336 hours of free over-the-air digital video programming per week was broadcast by the station on other than its main program stream, representing two multicast channels operating 24 hours a day, 7 days per week – CRTV (43.2) and Revenue Frontier (43.3).

**State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream.**

An average of 0.5 hours per channel per week of Core Programming was broadcast by the station on other than its main program stream. Specifically:

1. Animal Rescue (43.2) aired 4 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 2 hours of Core Programming.
2. Dragon Fly (43.2) aired 4 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 2 hours of Core Programming.
3. Dog Tales (43.2) aired 4 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 2 hours of Core Programming.

Thus, the total number of Core Programming hours for two multicast channels (channels 36.2 and 36.3) was 6 hours during the quarter. Divided by 13 weeks, this means that an average of 0.46 hours per week of Core Programming were broadcast by the station on other than its main program stream which, when divided among 2 multicast stations, represents an average of 0.23 hours per channel per week of Core Programming. When combined with the average of 3.5 hours of Core Programming on the primary channel, an average of more than 1.32 hours of Core Programming aired each week on a per channel basis. However, because the station voluntarily aired more than 20 hours per week of extra Core Programming in the Fourth Quarter of 2018 (even after accounting for the 6-month averaging over the First Quarter of 2019), which went well beyond the required 3 hours per channel per week requirement, HC2 requests a waiver of the processing guidelines to allow a portion of Fourth Quarter 2018 Core Programming to apply to Second Quarter 2019 Core Programming obligations.

A Commission rule may be waived for good cause shown.<sup>1</sup> In particular, waiver of a rule is appropriate where the particular facts make strict enforcement of a rule inconsistent with the public interest.<sup>2</sup> Waiver of a Commission rule is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest and will not undermine the policy underlying the rule.<sup>3</sup> In addition, the Commission may take into account considerations of equity or more effective implementation of overall policy on an individual basis.<sup>4</sup>

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<sup>1</sup> 47 C.F.R. § 1.3 (providing for suspension, amendment, or waiver of Commission rules, in whole or in part, for good cause shown).

<sup>2</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>3</sup> *Northeast Cellular*, 897 F.2d at 1166; *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127-128 (D.C. Cir. 2008).

<sup>4</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027

Importantly, HC2 is not seeking a waiver of a statutory requirement. Rather, the Children’s Television Act of 1990 (“CTA”) tasked the Commission with establishing appropriate implementing rules, including CTA-related license renewal processing guidelines.<sup>5</sup> HC2 submits that a limited waiver of the multicast-related aspects of the Commission’s processing guidelines in place in the Second Quarter of 2019<sup>6</sup> is justified in the limited special circumstances presented here, and that strict enforcement of the rule would be inconsistent with the public interest of renewing the license of a station that has demonstrated its commitment to airing Core Programming.

Specifically, since acquiring the K36NE-D in November 2017, HC2 has demonstrated its dedication to serving the educational and informational needs of children by airing far more than the minimum amount of required Core Programming in previous quarters. As shown from the summary above, the station aired 0.93 hours more than required in the Fourth Quarter of 2017 (i.e., 0.31 hours more on each of the 3 channels, despite acquiring the station more than midway through the quarter); 2.4 hours more than required in the First Quarter of 2018 (0.8 hours more on each of the 3 channels); 3.96 hours more than required in the Second Quarter of 2018 (1.32 hours more on each of the 3 channels); and 10.03 hours more than required in the Third Quarter of 2018 (9.57 hours on the main channel plus 3.46 on the one multicast channel equals 16.03 hours, minus the required amount of 6 hours of Core Programming, leaves an excess of 10.03 hours for the quarter) – for a total of 17.32 hours of excess Core Programming for all quarters from Fourth Quarter of 2017 through the Third Quarter of 2018. Combined with the excess of at least 25 hours of Core Programming from the First Quarter of 2019, this means that the station aired at least 42 hours of additional Core Programming beyond the minimum requirements for the period. It would be unconscionable not to recognize HC2’s dedication to Core Programming and provide a limited waiver for the Second Quarter of 2019 by attributing some of this excess Core Programming to make up the minor shortfall of Core Programming on the multicast channels in that quarter.

In sum, as required by the CTA, HC2 has “served the educational and informational needs of children through the licensee’s *overall programming*, including programming specifically designed to serve such needs.”<sup>7</sup>

### **Third Quarter 2019 (Through September 15, 2019)**

HC2 hereby amends the Third Quarter 2019 children’s programming report (through September 15, 2019) (the “Relevant Period”) as follows:

### **State the average number of hours of Core Programming per week broadcast by the**

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(1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>5</sup> 47 U.S.C. § 303b.

<sup>6</sup> 47 C.F.R. § 73.671(e)(2)(i). Notably, this processing guideline changed substantially in the following quarter, and a waiver would have been unnecessary under the new processing guidelines implemented as of September 16, 2019. 84 Fed. Reg. 41917 (Aug. 16, 2019).

<sup>7</sup> 47 U.S.C. § 303b(a)(2) (emphasis added).

**station on its main program stream.**

During the Relevant Period, the station provided an average of 3.0 hours per week of core children's programming on its main program stream (the channel 43.1 stream – Three Angels Broadcasting). Specifically:

1. Kids Time Praise (43.1) aired 44 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 22 hours of Core Programming.
2. A Day with the King (43.1) aired 11 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 5.5 hours of Core Programming.
3. The Creation Case (43.1) aired 22 times during the quarter at its regularly scheduled time and each program was 30 minutes in length, for a total of 11 hours of Core Programming.

Thus, a total of 38.5 hours of Core Programming aired on the primary channel during the quarter during the Relevant Period which, when divided by 11 weeks, equals an average of 3.5 hours per week of Core Programming.

**State the average number of hours per week of free over-the-air digital video programming broadcast by the station on other than its main program stream.**

An average of 336.0 hours of free over-the-air digital video programming per week was broadcast by the station on other than its main program stream, representing 2 multicast channels operating 24 hours a day, 7 days per week – CRTV (43.2), and Revenue Frontier (43.3).

**State the average number of hours per week of Core Programming broadcast by the station on other than its main program stream.**

During the Relevant Period, a total of 33 hours of Core Programming aired on Channel 43.2 (CRTV), which, divided over 11 weeks, means the station aired an average of 3 hours per week on CRTV. Specifically:

DragonFly (43.2) aired 22 times for a total of 11 hours  
Animal Rescue (43.2) aired 22 times for a total of 11 hours  
Dog Tales (43.2) aired 22 times for a total of 11 hours

Revenue Frontier did not air Core Programming, despite HC2's repeated requests that it begin airing required Core Programming. (Revenue Frontier eventually began airing such programming because of HC2's advocacy, but not in time for this particular quarter). Thus, averaged over 2 multicast channels, the station aired an average of 1.5 hours of Core Programming on each multicast channel. The excess of 0.5 hours of Core Programming on the main program stream leaves the station with a deficiency of 1.0 hour of Core Programming for the quarter.

For the same reasons set forth in the waiver requested for the Second Quarter of 2019, HC2 requests a limited waiver with respect to the Relevant Period, prior to the rule change on September 16, 2019. HC2 submits that, even if a portion of the excess Core Programming aired in prior quarter is applied to the Second Quarter of 2019, there would still be a significant amount of excess Core Programming to apply to the Third Quarter of 2019 to make up the 1.0 hour deficiency during the Relevant Period, and thus a waiver is justified with respect to the Relevant Period. In addition, HC2 notes that the station would have been deemed in compliance under the new rules that became effective on September 16, 2019.

In sum, HC2 submits that a strict application of the processing guidelines would be inconsistent with the station's demonstrated overall commitment to Core Programming shown throughout the license renewal period.