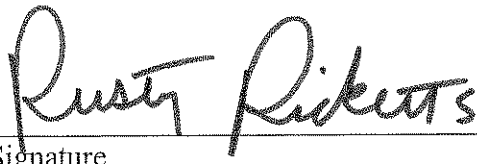


## Children's Programming Commercial Limit Compliance Discrepancy Report

For this reporting period, WXIN-TV Fox 59 has fully complied with the permissible amount of commercial matter in children's television programming, except as described in the exhibit attached hereto, during 2<sup>nd</sup> quarter 2005 – April 30, 2005 to June 30, 2005.



Signature



Date

On Saturday, June 18, 2005, WXIN(TV) broadcast a thirty-second commercial for the Nintendo "Touch Kirby" video game at approximately 10:44 am, during the network broadcast of the "Kirby" animated cartoon program, which ran from 10:30 to 11:00 am.

WXIN(TV) received the order to run the Nintendo spot on May 16, 2005 from Telerep. The order specified that the commercial should run from 7:00 to 11:00 am on June 18<sup>th</sup>. At the time the order was received, the "Kirby" program was not on the WXIN(TV) schedule. All of the WXIN(TV) broadcasts of the "Kirby" program were made as an affiliate of the Fox network, as part of the Fox Saturday-morning children's program block. Before June 2005, the last Fox network distribution of the "Kirby" program to affiliates was on January 1, 2005.

On May 21, 2005 – after the Nintendo spot order was accepted -- WXIN(TV) received notice from the Fox network that the "Kirby" program would be placed on the network children's-block schedule on five isolated Saturdays: May 28<sup>th</sup>, June 4<sup>th</sup>, June 18<sup>th</sup>, June 25<sup>th</sup> and July 2<sup>nd</sup>. WXIN(TV) discovered on June 21, 2005, during a routine review of weekend program logs, that the Nintendo "Touch Kirby" commercial had run during the "Kirby" program.

Following the discovery of the scheduling error, the General Manager of WXIN(TV) sent a memo to the station's Sales, Traffic, Engineering and Programming personnel detailing the error and urging greater effort to enforce the FCC rules concerning children's programming and commercial limits (copy attached). The General Manager directed that the heads of the Sales, Traffic and Engineering departments should conduct meetings with members of their departments to review compliance with the FCC children's rules.

In addition, WXIN(TV) made several changes to its program and commercial review procedures to avoid similar future violations. Prior to the June 18<sup>th</sup> event, all commercials scheduled for broadcast in children's programs were customarily reviewed by Master Control personnel. Now a second screening is made of such commercials by Traffic personnel, and those screeners fill out a new "Kids' Advertising Check Sheet" that confirms Traffic review and provides space for entry of any characters or hosts that may create potential overlap problems (copy attached). Those new forms are retained in the Traffic Department files.

After the Traffic screening, each commercial that includes any characters or hosts likely to appear in children's programs is given special coding in the station log that specifically identifies the relevant characters or hosts. That character/host reference appears in every print or screen view of the log, so potential overlap with the surrounding program may be made directly from the station log. In addition, any time a commercial order is received by WXIN(TV) for a spot that includes characters or hosts, station policy does not allow the order to be accepted if the order includes instructions for broadcast that could place the spot into an overlapping children's program. The station requires the agency to rewrite the order so that the traffic instructions exclude any program time that might create possible content overlaps.

WXIN(TV) considers compliance with the FCC children's rules to be of the highest priority. The broadcast of the Nintendo "Touch Kirby" commercial during the "Kirby" program resulted from a late change in the station's children's block schedule announced by the Fox network, after the commercial had been entered into the station's log without apparent content overlap with programming. The new procedures will do much to preclude any future such errors by adding an additional commercial review, and by rendering any potential overlap between commercials and the surrounding programs evident directly from the station program log.



**Date:** June 21, 2005

**To:** All WXIN/WTTV Sales, WXIN/WTTV Traffic, WXIN/WTTV Engineering,  
WXIN/WTTV Programming

**From:** Jerry Martin

**RE:** WXIN Kids Violation

---

WXIN committed a violation of the FCC children's television rules this weekend, when we aired a Nintendo/Touch Kirby spot inside a "Kirby" program on WXIN. According to the rules, the airing of the Kirby commercial in a program featuring Kirby transformed the program to a program length commercial. We should expect some action regarding this matter by the FCC.

We are very serious that we avoid any similar, or for that matter, any violation of the "children" rules from occurring on WXIN or WTTV in the near future. I have detailed below the steps we are taking to ensure future violations do not occur.

1. Manager in sales, traffic, and engineering will hold meetings with their respective departments reviewing the children's rules.
2. Traffic will begin viewing all commercial material scheduled in children's programming on both WXIN/WTTV and completing a kid's advertiser check sheet (see attached). Traffic is scheduled to view spots at 3pm daily.
3. Traffic will reject kids time period orders that have not provided complete information in the header.
4. Traffic will review logs for possible violations.

6910 Network Place || Indianapolis, IN 46278 || 317.632.5900 || fox59.com

wxin || fox 59 || wxin || fox 59 ||

**KIDS ADVERTISING  
CHECK SHEET**

Advertiser: \_\_\_\_\_

Isci Code and/or Title: \_\_\_\_\_

\_\_\_\_\_

Cart Number: \_\_\_\_\_

First Air Date: \_\_\_\_\_

Host Selling:     Yes     No

Characters included:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Spot viewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Cart inventory updated by: \_\_\_\_\_

Date: \_\_\_\_\_

Information updated:     "V" in user field™

Additional text added

**COMMERCIAL TIME CERTIFICATION**

**SATURDAY  
2004 - 2005 SEASON**

---

-----  
**KSAT24**

SATURDAY 8:00 - 8:30A : 4/02/05 - 6/25/05  
SATURDAY 9:00 - 9:30A : 4/02/05 - 6/25/05  
SATURDAY 10:00 - 10:30A : 4/02/05 - 6/25/05  
SATURDAY 11:00 - 11:30A : 4/02/05 - 6/25/05

-----  
4:00 Net/1:30 Local Split  
=====

-----  
PROGRAM SEGMENT 1  
-----

Network Bumper	:05
Network Commercial	1:30
Network Promo	1:00
Network Bumper	:05
-----	
Total	2:40

-----  
PROGRAM SEGMENT 2  
-----

Network Bumper	:05
Network Commercial	1:00
Network Promo	:40
Local Commercial	1:30
Local ID	:06
Network Bumper	:05
-----	
Total	3:26

-----  
PROGRAM SEGMENT 3  
-----

Network Bumper	:05
Network Commercial	1:30
Network Promo	1:00
Network Bumper	:05
-----	
Total	2:40

-----  
PROGRAM SEGMENT 4  
-----

-----  
TIME SUMMARY  
-----

Program Time	21:14
Network Commercial	4:00
Network Promo	2:40
Network Bumper	:30
Local Commercial	1:30
Local ID	:06
Total	----- 30:00

**\*\*\*PLEASE NOTE ON 6/11/05 ONLY\*\*\***

THE LOCAL ID IN THE 8A/9A/and 11A PROGRAMS WAS :10 AND AIRED AT THE  
END OF THE LAST SEGMENT, NOT IN BREAK 2.

-----  
**KSAT25**  
-----

<b>SATURDAY 8:30 - 9:00A</b>	<b>: 4/02/05 - 6/25/05</b>
<b>SATURDAY 9:30 - 10:00A</b>	<b>: 4/02/05 - 6/25/05</b>
<b>SATURDAY 10:30 - 11:00A</b>	<b>: 4/02/05 - 6/25/05</b>

-----  
4:00 Net/1:00 Local Split  
Plus :30 Local Promo  
=====

-----  
PROGRAM SEGMENT 1  
-----

Network Bumper	:05
Network Commercial	1:30
Network Promo	1:00
Network Bumper	:05
Total	----- 2:40

-----  
PROGRAM SEGMENT 2  
-----

Network Bumper	:05
Network Commercial	1:00
Network Promo	:40
Local Commercial	1:00
Local Promo	:30
Local ID	:06
Network Bumper	:05
-----	
Total	3:26

-----  
PROGRAM SEGMENT 3  
-----

Network Bumper	:05
Network Commercial	1:30
Network Promo	1:00
Network Bumper	:05
-----	
Total	2:40

-----  
PROGRAM SEGMENT 4  
-----

-----  
TIME SUMMARY  
-----

Program Time	21:14
Network Commercial	4:00
Network Promo	2:40
Network Bumper	:30
Local Commercial	1:00
Local Promo	:30
Local ID	:06
-----	
Total	30:00



---

**KSAT26**

**SATURDAY 11:30A - 12:00P : 4/02/05 - 6/25/05**

---

4:00 Net/1:00 Local Split  
Plus :30 Local Promo  
=====

---

**PROGRAM SEGMENT 1**

---

Network Bumper	:05
Network Commercial	1:30
Network Promo	1:00
Network Bumper	:05
<hr/>	
Total	2:40

---

**PROGRAM SEGMENT 2**

---

Network Bumper	:05
Network Commercial	1:00
Network Promo	:35
Local Commercial	1:00
Local Promo	:31 (1 second black)
Network Bumper	:05
<hr/>	
Total	3:16

---

**PROGRAM SEGMENT 3**

---

Network Bumper	:05
Network Commercial	1:30
Network Promo	1:00
Network Bumper	:05
<hr/>	
Total	2:40

-----  
PROGRAM SEGMENT 4  
-----

Local ID	:10
Total	:10

-----  
TIME SUMMARY  
-----

Program Time	21:14
Network Commercial	4:00
Network Promo	2:35
Network Bumper	:30
Local Commercial	1:00
Local Promo	:31 (1 second black)
Local ID	:10
Total	30:00