

# **Federal Communications Commission**

**FCC MB - CDBS Electronic Filing**

**Account number: 468745**

**Description: K36DB-CD RENEWAL AMENDMENT**

**Application Reference Number: 20131129AQE**

**Successfully filed at Apr 28 2014 12:16PM**

**Based on the information supplied, no fee is required.**

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0110 (March 2011)	FOR FCC USE ONLY
<b>FCC 303-S</b>		
<b>APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE</b>		FOR COMMISSION USE ONLY FILE NO. - 20131129AQE
Read INSTRUCTIONS Before Filling Out Form		

**Section I - General Information- TO BE COMPLETED BY ALL APPLICANTS**

1.	Legal Name of the Licensee RESORT TELEVISION USA, LLC						
	Mailing Address P.O. BOX 7528						
	City PORTLAND	State or Country (if foreign address) ME	ZIP Code 04112 -				
	Telephone Number (include area code) 2077725000	E-Mail Address (if available) JDUMAIS@OUTSIDETV.COM					
	FCC Registration Number: 0006032437	Facility ID Number 23179	Call Sign K36DB-CD				
2.	Contact Representative DAVID D. OXENFORD	Firm or Company Name WILKINSON BARKER KNAUER, LLP					
	Mailing Address 2300 N STREET, N.W. SUITE 700						
	City WASHINGTON	State or Country (if foreign address) DC	Zip Code 20037 -				
	Telephone Number (include area code) 2027834141	E-Mail Address (if available) DOXENFORD@WBKLAW.COM					
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee <input checked="" type="radio"/> Other AMENDMENT <input type="radio"/> N/A (Fee Required)						
4.	<b>Purpose of Application</b>  <input type="radio"/> Renewal of license <input checked="" type="radio"/> Amendment to pending renewal application If an amendment, submit as an exhibit a listing by Section and Item Number the portions of the pending application that are being revised. <span style="float: right;">[Exhibit 1]</span>						
5.	<b>Facility Information:</b> <input checked="" type="radio"/> Commercial <input type="radio"/> Noncommercial Educational						
6.	<b>Service and Community of License</b> a. <input type="radio"/> AM <input type="radio"/> FM <input type="radio"/> FM Translator <input type="radio"/> LPFM <input type="radio"/> TV Translator <input type="radio"/> Low Power TV <input type="radio"/> Class A TV <input type="radio"/> Digital TV <input type="radio"/> Digital Translator or Digital LPTV <input checked="" type="radio"/> Digital Class A TV <table border="1" style="width:100%; margin-top: 5px;"> <tr> <td colspan="2" style="text-align: center;">Community of License /Area to be Served</td> </tr> <tr> <td style="width:50%;">City: AVON, VAIL</td> <td style="width:50%;">State : CO</td> </tr> </table> b. Does this application include one or more FM translator station(s), or TV translator station(s), LPTV station(s), in addition to the station listed in Section I question 1? (The callsign(s) of any associated FM translators, TV translators or LPTV stations will be requested in Section V). <span style="float: right;"><input type="radio"/> Yes   <input checked="" type="radio"/> No</span>			Community of License /Area to be Served		City: AVON, VAIL	State : CO
Community of License /Area to be Served							
City: AVON, VAIL	State : CO						
7.	<b>Other Authorizations.</b> List call signs, facility identifiers and location(s) of any FM booster or TV booster station(s) for which renewal of license is also requested. <span style="float: right;">[Exhibit 2]</span>		<input checked="" type="checkbox"/> N/A				

**NOTE: In addition to the information called for in Sections II, III, IV and V, an explanatory exhibit providing full particulars must be submitted for each item for which a "No" response is provided.**

**Section II - Legal - TO BE COMPLETED BY ALL APPLICANTS**

1.	<b>Certification.</b> Licensee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application, instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	<b>Character Issues.</b> Licensee certifies that the neither the licensee nor any party to the application has or has had any interest in, or connection with:	
a.	any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 3]
b.	any pending broadcast application in which character issues have been raised.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]
3.	<b>Adverse Findings.</b> Licensee certifies that, with respect to the licensee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 5]
4.	<b>FCC Violations during the Preceding License Term.</b> Licensee certifies that, with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If No, the licensee must submit an explanatory exhibit providing complete descriptions of all violations.	<input type="radio"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 6]
5.	<b>Alien Ownership and Control.</b> Licensee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]
6.	<b>Anti-Drug Abuse Act Certification.</b> Licensee certifies that neither licensee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
7.	<b>Non-Discriminatory Advertising Sales Agreements.</b> Commercial licensee certifies that its advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain nondiscrimination clauses. Noncommercial licensees should select "not applicable."	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 8]

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing JEFFREY L. DUMAIS	Typed or Printed Title of Person Signing SENIOR VICE PRESIDENT
Signature	Date 4/28/2014

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**Section IV - TO BE COMPLETED BY TV AND CLASS A LICENSEES ONLY**

1.	<p><b>Biennial Ownership Report:</b> Licensee certifies that the station's Biennial Ownership Report (FCC Form 323 or 323-E) has been filed with the Commission as required by 47 C.F.R. Section 73.3615.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 17]</p>
2.	<p><b>EEO Program:</b> Licensee certifies that:</p> <p>a. The station's Broadcast EEO Program Report (FCC Form 396) has been filed with the Commission, as required by 47 C.F.R. Section 73.2080(f)(1).</p> <p>Specify FCC Form 396 File Number : B396 - 20131126BND</p> <p>b. The station has posted its most recent Broadcast EEO Public File Report on the station's website, as required by 47 C.F.R. Section 73.2080(c)(6).</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 18]</p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> N/A</p> <p>See Explanation in [Exhibit 19]</p>
3.	<p><b>Local Public File.</b> Licensee certifies that the documentation, required by 47 C.F.R. Section 73.3526 or 73.3527, as applicable, has been placed in the station's public inspection file at the appropriate times.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>See Explanation in [Exhibit 20]</p>
4.	<p><b>Violent Programming.</b> Licensee certifies that no written comments or suggestions have been received from the public that comment on its station's programming and characterize that programming as constituting violent programming.</p> <p>If No, <b>submit as an Exhibit</b> a summary of those written comments and suggestions received from the public.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 21]</p>
5.	<p><b>Children's Programming Commercial Limitations.</b> For the period of time covered by this application, the licensee certifies that it has complied with the limits on commercial matter as set forth in 47 C.F.R. Section 73.670. (The limits are no more than 12 minutes of commercial matter per hour during children's programming on weekdays and no more than 10.5 minutes of commercial matter per hour during children's programming on weekends. The limits also apply pro rata to children's programs which are 5 minutes or more and which are not part of a longer block of children's programming.)</p> <p>If No, <b>submit as an Exhibit</b> a list of each segment of programming 5 minutes or more in duration designed for children 12 years and under and broadcast during the license period which contained commercial matter in excess of the limits. For each programming segment so listed, indicate the length of the segment, the amount of commercial matter contained therein, and an explanation of why the limits were exceeded.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 22]</p>
6.	<p>For the period of time covered by this application, the applicant certifies that it has filed with the Commission, <b>and incorporates by reference</b>, the Children's Television Programming Reports (FCC Form 398) as described in 47 C.F.R. Section 73.3526.</p> <p>If No, <b>submit as an Exhibit</b> a statment of explanation.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p><input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 23]</p>
7.	<p>For the period of time covered by this application, the applicant certifies that the average number of hours of CORE programming per week broadcast by the station totalled 3 hours or more (averaged over a six-month period).</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 24]</p>
8.	<p>The licensee certifies that it identifies each CORE Program aired at the beginning of the airing of each program as required by 47 C.F.R. Section 73.673.</p> <p>If No, <b>submit as an Exhibit</b> a statment of explanation.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 25]</p>

9.	<p>The licensee certifies that it provides information identifying each CORE Program aired on its station, including an indication of the target child audience, to publishers of program guides as required by 47 C.F.R. Section 73.673.</p> <p>If No, <b>submit as an Exhibit</b> a statement of explanation.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 26]</p>
10.	<p>The licensee certifies that it publicizes the existence and location of the station's Children's Television Programming Reports (FCC Form 398) as required by 47 C.F.R. Section 73.3526(e)(11)(iii).</p> <p>If No, <b>submit as an Exhibit</b> a statement of explanation , including the specific steps the applicant intends to implement to ensure compliance in the future.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 27]</p>
11.	<p>The licensee may include as an exhibit any other comments or information it wants the Commission to consider in evaluating compliance with the Children's Television Act. This may include information on any other non-core educational and informational programming that the applicant aired or plans to air, or any existing or proposed non-broadcast efforts that will enhance the educational and informational value of such programming to children. See 47 C.F.R. Section 73.671, NOTE 2.</p>	<p>[Exhibit 28]</p>
12.	<p><b>Continued Class A Eligibility.</b> Licensee certifies that its station does, and will continue to, broadcast: (a) a minimum of 18 hours per day; and (b) an average of at least 3 hours per week of programming each quarter produced within the market area served by the station, a group of commonly controlled low power or Class A stations whose predicted Grade B contours are contiguous.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 29]</p>
13.	<p><b>Discontinued Operations.</b> Licensee certifies that during the preceding license term, the station has not been silent for any consecutive 12-month period.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 30]</p>
14.	<p><b>Silent Station.</b> Licensee certifies that the station is currently on the air broadcasting programming intended to be received by the public.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
15.	<p><b>Environmental Effects.</b> Licensee certifies that the specified facility complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments.</p> <p>By checking "Yes" above, the licensee also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radio frequency electromagnetic exposure in excess of FCC guidelines.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 31]</p>
16.	<p><b>Local TV Ownership Waiver.</b> Has the licensee been granted a "failing" or "marginal" station waiver of 47 C.F.R. Section 73.3555(b)?</p> <p>If Yes, <b>submit as an Exhibit</b> a specific factual showing of the program-related benefits that have accrued to the public as a result of that waiver.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>See Explanation in [Exhibit 32]</p>

**Exhibits**

**Exhibit 1**

**Description:** REASON FOR AMENDMENT

LICENSEE RECENTLY DISCOVERED THAT, IN ADDITION TO THE 4 LATE-FILED CHILDRENS PROGRAMMING REPORTS DISCLOSED IN THE ORIGINAL RENEWAL APPLICATION, 11 ADDITIONAL REPORTS WERE ALSO SLIGHTLY LATE-FILED. WHILE ALL OF THESE ADDITIONAL REPORTS WERE FILED WITHIN 30 DAYS OF THE QUARTERLY FILING DEADLINE, LICENSEE MAKES THIS DISCLOSURE OUT OF AN ABUNDANCE OF CAUTION. SEE EXHIBIT 20, BELOW.

**Attachment 1**

**Exhibit 6**

**Description:** PUBLIC FILE

LICENSEE RECEIVED A LETTER FROM THE FCC DATED MARCH 12, 2013, IN WHICH IT WAS NOTIFIED THAT ITS ONLINE

PUBLIC FILE WAS INCOMPLETE. LICENSEE SUBSEQUENTLY UPLOADED THE REQUIRED MATERIALS TO ITS PUBLIC FILE, AND RECEIVED A LETTER FROM THE FCC DATED MAY 20, 2013, NOTIFYING LICENSEE THAT IT WAS NOW IN COMPLIANCE WITH THE ONLINE PUBLIC FILE REQUIREMENTS AND THAT THE INQUIRY WAS CLOSED.

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**Attachment 6**

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**Exhibit 20**

**Description:** PUBLIC FILE

SEE EXHIBIT 6 ABOVE. IN ADDITION, IN PREPARING THE INSTANT RENEWAL APPLICATION, LICENSEE DISCOVERED THAT IT HAD FAILED TO TIMELY FILE AND PLACE IN ITS PUBLIC INSPECTION FILE CHILDREN'S TELEVISION PROGRAMMING REPORTS FOR THE FOLLOWING QUARTERS:

Q1 OF 2007  
Q4 OF 2008  
Q1 OF 2011  
Q3 OF 2013

THESE REPORTS HAVE NOW BEEN FILED AND PLACED IN THE STATION'S PUBLIC INSPECTION FILE, AND ARE INCORPORATED BY REFERENCE HEREIN.

LICENSEE ALSO RECENTLY DISCOVERED THAT, IN ADDITION TO THE 4 LATE-FILED CHILDRENS PROGRAMMING REPORTS DISCLOSED ABOVE, 11 ADDITIONAL REPORTS WERE ALSO SLIGHTLY LATE-FILED. WHILE ALL OF THESE ADDITIONAL REPORTS WERE FILED WITHIN 30 DAYS OF THE QUARTERLY FILING DEADLINE (AND IN SEVERAL CASES FILED WITHIN 10 DAYS OF THE QUARTERLY FILING DEADLINE),LICENSEE MAKES THIS DISCLOSURE OUT OF AN ABUNDANCE OF CAUTION.

FINALLY, WHILE PREPARING THE RENEWAL APPLICATION, LICENSEE DISCOVERED THAT IT HAD FAILED TO TIMELY PREPARE AND UPLOAD ITS CERTIFICATIONS OF COMPLIANCE WITH CHILDRENS TELEVISION COMMERCIAL LIMITS. THESE CERTIFICATIONS HAVE NOW ALL BEEN UPLOADED IN THE STATION'S PUBLIC INSPECTION FILE. AS THE CERTIFICATIONS INDICATE, LICENSEE AT ALL TIMES COMPLIED WITH THE CHILDREN'S TELEVISION COMMERCIAL LIMITS AS OUTLINED IN 47 C.F.R. 73.670(A)-(D). SINCE 2006 K36DB HAS BEEN PLAYING A SERIES OF 30:00 PROGRAMS, TITLED PLANET X, EACH DAY TO MEET ITS CHILDRENS PROGRAMMING OBLIGATIONS. PLANET X IS E/I APPROVED AND HAS NO MORE THAN 4:30 OF COMMERCIAL TIME PER 30:00.

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**Attachment 20**

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**Exhibit 23**

**Description:** CHILDREN'S TELEVISION PROGRAMMING

SEE EXHIBIT 20, ABOVE.

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**Attachment 23**

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