

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Implementation of the Commercial	)	MB Docket No. 11-93
Advertisement Loudness Mitigation	)	
(CALM) Act	)	

Directed to: Office of the Secretary  
Attention: Chief, Media Bureau

**STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION**

1. By this pleading and the attached certificate, Evansville Low Power Partnership (“Licensee”) certifies that Class A Television Stations WTSN-CD, Facility ID 189735, and WYYW-CD, Facility ID 17742, Evansville, Indiana, both require an additional one-year delay to comply with the requirements of the Commercial Advertisement Loudness Mitigation Act (the “CALM Act”). Licensee requests a waiver of the December 13, 2013 deadline for compliance by those two stations.<sup>1</sup> This request is filed timely because of the deadline suspension following the government shutdown which ended on October 17.

2. Pursuant to the streamlined waiver process set forth in the Commission’s December 13, 2011 *Report and Order* in this proceeding, Licensee requests waivers for WTSN-CD and

---

<sup>1</sup> Licensee asserts that Class A television stations are not at this time subject to CALM Act compliance requirements. This understanding is based on Footnote 17 of *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011) (the “Order”), which defines a subject “television broadcast station” as a station licensed under Subpart E of Part 73. Class A stations are licensed under Subpart J and thus do not come within the definition of “television broadcast station” in either the statute or the Order. Nevertheless, this waiver certification is filed by Licensee out of an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations through a proper notice and rulemaking. The Licensee does not intend this filing to in any way concede that its Class A station is subject to the CALM Act.

WTSN-CD as “small broadcast stations.”<sup>2</sup> Under the procedures adopted in the *Order*, stations seeking a waiver on this basis must certify to the Commission that they qualify as “small broadcast stations” and that they require a delay of one year to obtain specified equipment to avoid financial hardship.<sup>3</sup>

3. As set forth in the attached Certification of John M. Dunn, President, Licensee certifies that WTSN-CD and WYYW-CD satisfy the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts, taking both stations together. Mr. Dunn further certifies that, to avoid financial hardship, the Licensee requires an additional one-year delay to obtain the equipment necessary for WTSN-CD and WYYW-CD to comply with the CALM Act requirements.

4. Accordingly, Licensee respectfully requests a one-year waiver for WTSN-CD and WYYW-CD to comply with the CALM Act.

Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> St., 11<sup>th</sup> Floor  
Arlington, VA 22209-3801  
Tel. 703-812-0400  
Fax 703-812-0486  
E-mail: [tannenwald@fhhlaw.com](mailto:tannenwald@fhhlaw.com)

Respectfully submitted:

By:                     /s/                      
Peter Tannenwald  
Jonathan R. Markman  
Counsel for Evansville Low Power Partnership  
FRN 0003-9438-34

October 14, 2013

---

<sup>2</sup> *Order* at 17253-54.

<sup>3</sup> *Id.*

## **CERTIFICATION OF JOHN M. DUNN**

John M. Dunn hereby certifies as follows:

1. I am President of Evansville Low Power Partnership.
2. Evansville Low Power Partnership is the licensee of Class A television stations WTSN-CD, Facility ID 189735, and WYYW-CD, Facility ID 17742, Evansville, Indiana.
3. During calendar year 2012, WTSN-CD and WYYW-CD together had less than \$14 million in annual gross receipts. The annual gross receipts for 2013 for both stations together will also be less than \$14 million.
4. The stations' technical consultant estimates that to achieve CALM Act compliance for Station WTSN-CD and WYYW-CD will require the following equipment for each station:

ASI Decoder	\$3,900
Orban 8685	19,500
HD Encoder	<u>6,500</u>

Total per station: \$29,900    Total for both stations: \$59,800
5. Accordingly, Evansville Low Power Partnership hereby requests an additional one-year waiver of the December 13, 2013, compliance deadline.



John M. Dunn

October 14, 2013