



(REFERENCE COPY - Not for submission)

Renewal of License

File Number: **0000123216** | Submit Date: **09/30/2020** | Call Sign: **WPLG** | Facility ID: **53113** | FRN: **0026961052** | State:
Florida | City: **MIAMI**

Service: **DTV** | Purpose: **Renewal of License** | Status: **Submitted** | Status Date: **09/30/2020** | Filing Status: **Active**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule(s)?	No
	Total number of rule sections involved in this waiver request:	

Applicant
Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
WPLG, Inc. Doing Business As: WPLG, Inc.	Regulatory Counsel 3401 WEST HALLANDALE BEACH BLVD PEMBROKE PARK, FL 33023 United States	+1 (954) 364- 2604	FCCNotices@WPLG. COM	Corporation

Contact
Representatives
(2)

Contact Name	Address	Phone	Email	Contact Type
Steve Ellis WPLG, Inc.	3401 WEST HALLANDALE BEACH BLVD PEMBROKE PARK, FL 33023 United States	+1 (954) 364- 2604	SELLIS@WPLG.COM	Technical Representative
Stephen Hartzell Brooks, Pierce et al.	150 Fayetteville Street Suite 1700 Raleigh, NC 27601 United States	+1 (919) 839- 0300	shartzell@brookspierce. com	Legal Representative

Renewal
Certification

Section	Question	Response
Character Issues	Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with, any broadcast application in any proceeding where character issues were left unresolved, or were resolved adversely against the applicant or any party to the application;	Yes
	Licensee certifies that neither the licensee nor any party to the application has or has had any interest in, or connection with, any pending broadcast application in which character issues have been raised..	Yes
Adverse Findings	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 any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
FCC Violations during the Preceding License Term	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.	Yes
Ownership	The licensee certifies that, with respect to the station(s) for which renewal is requested, it complied with 47 CFR Section 73.3555.	Yes
Alien Ownership and Control	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.	Yes
Non-Discriminatory Advertising Sales Agreements	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 non-discrimination clauses. Noncommercial licensees should select "not applicable."	Yes

**DTV/Class A
Certification**

Section	Question	Response
Biennial Ownership Report	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 CFR Section 73.3615.	Yes
EEO Program	The station's Broadcast EEO Program Report (Form 2100, Schedule 396), has been filed with the Commission as required by 47 CFR Section 73.2080(f)(1).	Yes File Number: 0000123213
	The station has posted its most recent Broadcast EEO Public File Report on the station's website, as required by 47 CFR Section 73.2080(c)(6).	Yes
Online Public Inspection File	Licensee certifies that the documentation required by 47 CFR Sections 73.3526 or 73.3527, as applicable, has been uploaded to the station's public inspection file when required.	No
Children's Programming Commercial Limitations	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 CFR Section 73.670 and the Commission's commercial limit policies related to host-selling and program-length commercials.	Yes
Children's Television Programming Reports	For the period of time covered by this application, the licensee certifies that it has filed with the Commission, and incorporates by reference, the Children's Television Programming Reports (FCC Form 2100, Schedule H) as described in 47 CFR Section 73.3526, containing all required information.	Yes
Core Programming Processing Guidelines	For the period of time covered by this application, the licensee certifies that the station has complied with the Core Programming criteria and Core Programming Processing Guidelines, as required by the Commission's rules that were in effect at the time the Core Program was aired.	Yes
E/I Symbol	The licensee certifies that, as required by 47 CFR Section 73.671(c)(5), it identifies each Core Program using the E/I symbol throughout the airing of each program.	Yes
Notifying Publishers Of Program Guides	The licensee certifies that it provides information identifying each Core Program aired on its station to publishers of program guides, as required by 47 CFR Section 73.673.	Yes
Publicizing Children's Reports	The licensee certifies that prior to January 21, 2020, it publicized the existence and location of the station's Children's Television Programming Reports (FCC Form 2100, Schedule H) as required by 47 CFR Section 73.3526 (e)(11)(iii).	Yes
Continued Class A Eligibility	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, or by a group of commonly controlled low power or Class A stations whose predicted noise-limited contours are contiguous. See 47 CFR Section 73.6001.	
Discontinued Operations	Licensee certifies that during the preceding license term, the station has not been silent for any consecutive 12-month period.	Yes
Silent Stations	Licensee certifies that the station is currently on the air broadcasting programming intended to be received by the public.	Yes

Environmental Effects	Licensee certifies that the specified facility complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments.	Yes
Adherence to Minimum Operating Schedule	Licensee certifies that during the preceding license term the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days.	Yes
Adherence to Operating Parameters	Licensee certifies that during the preceding license term, the station has operated pursuant to authorized operating parameters, either pursuant to the terms of its license, special temporary authority, or as otherwise permitted under the Commission's rules.	Yes

Other BroadCast
Certifications

Section	Question	Response
Other BroadCast Certifications	Does this application include one or more FM translator station(s) or TV translator station(s) or LPTV station(s), in addition to the station listed at the top of this section?	No

**FM Translator
Certifications**

You have not selected any Other Broadcast Station.

TV Translator/ LPTV Certifications

You have not selected any Other Broadcast Certifications

Certification

Section	Question	Response
General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR §1.2002(b), for the definition of "party to the application" as used in this certification §1.2002 (c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND /OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §503).	
	I certify that this application includes all required and relevant attachments.	Yes
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	Bert Medina <i>President</i> 09/30/2020

Attachments

File Name	Uploaded By	Attachment Type	Description
Limited License Period Exhibit.pdf	Applicant	All Purpose	Limited License Period Exhibit
Public Inspection File Exhibit.pdf	Applicant	DTV/Class A Certifications	Public Inspection File Exhibit

Limited Licensee Ownership Period

The applicant acquired the station subject to the instant application on June 30, 2014, as authorized in CDBS File No. BTCCDT-20140417AAX. Accordingly, the scope of the applicant's responses and certifications in the instant application is limited to the period commencing on June 30, 2014, at which time the applicant became the FCC licensee of WPLG.

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Public Inspection File

The applicant has certified in the negative to the Online Public Inspection File (“OPIF”) Certification and wishes to provide some additional context to ensure the Commission Staff fully understands the context for certain items when reviewing the OPIF.

A. 2017 Retrans / Must Carry Election Notices

WPLG timely made its 2017 retransmission consent / must carry elections (for the 2018 – 2020 carriage period) by the October 1, 2017, deadline and sent out numerous (more than required) notifications to relevant MVPDs. Unfortunately, however, WPLG failed to timely upload those election notices to its online public file. WPLG didn’t upload them until July 2020 when the honest inadvertence was discovered in the context of preparing for the 2020 election notices (for the 2021 – 2023 carriage period).

At all relevant times—including the present—WPLG has maintained copies of its 2014 retransmission consent / must carry elections (for the 2015 – 2017 carriage period) in its OPIF, all of which specified retransmission consent. Notably, all of WPLG’s carriage elections for the 2018 – 2020 period were identical to the carriage elections made for the 2015 – 2017 period, and, thus, anyone with any questions about WPLG’s carriage elections for the 2018 – 2020 period would have had accurate information by reviewing the 2014 carriage election notices.¹

In addition, during the 2018 – 2020 carriage period, WPLG did not experience a carriage impasse with any MVPD, which means that no member of the public was prejudiced by not having immediate access² to WPLG’s 2017 carriage elections. And, WPLG productively and timely negotiated retransmission consent arrangements with all relevant MVPDs, which demonstrates that all relevant MVPDs did, in fact, timely receive the 2017 carriage election notices. We respectfully submit that the delayed upload of the 2017 retransmission consent / must carry elections (for the 2018 – 2020 carriage period) was immaterial to the station’s overall compliance with the OPIF rule and did not undermine any person’s ability to have access to the information contained in those election notices. Indeed, the Commission’s recent revision of the processes and protocols relating to TV station MVPD election notices illustrates that the prior methodology may not have been the most effective or informative in the first instance. *See, e.g., In re Electronic Delivery of MVPD Communications*, Report and Order and Further Notice of Proposed Rulemaking, FCC 19-69, ¶ 4 (rel. July 11, 2019) (“Almost every commenter responding to the NPRM maintained that there are flaws in the current election notification system.”). Consequently, WPLG’s upload delay warrants no further action.

¹ The only material difference between the 2017 and 2014 carriage election notices is that the 2017 notices included an MVPD called Hotwire. But because WPLG sent an astoundingly high total of six election notices to Hotwire and successfully negotiated a carriage arrangement with that MVPD, neither Hotwire nor any of Hotwire’s subscribers/viewers suffered any prejudice due to WPLG’s late-upload of the 2017 carriage election notices.

² WPLG would have responded individually to any viewer that asked for this information.

B. EEO Report Uploads

A review of WPLG's OPIF reveals that the 2013 and 2014 Public File Reports were both uploaded on September 11, 2015, which would have been nearly two years after the 2013 report was due for upload and almost one year after the 2014 report was due for upload. In the case of the 2013 report, the failure to timely upload that report occurred under the watch of another company that was previously the licensee of WPLG. In the case of the 2014 report, nearly the entire reporting period (75 percent) occurred under the watch of another company that was previously the licensee of WPLG. As such, those failures—which were corrected when discovered—should not be visited upon the company that took control of the station June 30, 2014. Indeed, the applicant's VP/General Manager was not even hired until after the applicant took control of the station from the old company.

Moreover, upon information and belief, each of those reports were timely posted to WPLG's station website where they would have been accessible by all members of the public and the Commission Staff. Thus, as a practical matter, the delays in the OPIF uploads of those reports—which were promptly corrected by the current licensee once discovered—were not prejudicial to anyone's ability to review the station's EEO performance. And WPLG's successful EEO audit performance in response to the Commission's February 24, 2016, audit letter speaks for itself: it illustrates the seriousness with which WPLG takes the Commission's EEO rule and the degree to which WPLG routinely commits resources and efforts to execute and perform its recruitment and general outreach to meet the Commission's goals to overcome and eliminate discrimination, bias, and demographic challenges in broadcast employment as embodied in the FCC's EEO rule.

Finally, the 2017 EEO public file report was uploaded one day late on October 3, 2017, which we respectfully submit is a late upload of de minimis nature (in particular because, upon information and belief, the report was timely posted to the station's own website).

C. Reminder Warranted for Multiple Timely-Uploaded Documents

Finally, a cursory review of WPLG's OPIF may result in the erroneous conclusion that multiple additional documents were uploaded late, and we'd like to pro-actively address those issues as well.

As a result of the government shutdown that affected the accessibility of WPLG's OPIF (and all other OPIFs) for upload purposes in January 2019, there are three documents that might, at first glance, appear to have been uploaded late. In each case, however, the documents were timely uploaded when the government shutdown is taken into account. More specifically, the Children's Television Programming Report, the Issues/Programs List, and the children's commercial time limits certification records for Fourth Quarter 2018 were timely uploaded (all on January 28, 2019) once the government shutdown is taken into account.

In addition, the First Quarter 2020 Issues/Programs List documentation for WPLG was timely uploaded (on May 1, 2020) once the COVID-19 extension of time is taken into account (waiving the First Quarter 2020 upload deadline and providing an extension until July 10, 2020, for the upload of such documentation).

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