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October 11, 2012

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Implementation of the Commercial Advertisement Loudness
Mitigation (CALM) Act, MB Docket No. 11-93

Hoak Media of Nebraska License, LLC
KNOP-TV, North Platte, Nebraska (Facility ID No. 49273)
K11TW, North Platte, Nebraska (Facility ID No. 49285)
Request for Streamlined Financial Hardship Waiver of CALM Act
Requirements

Dear Ms. Dortch:

Hoak Media of Nebraska License, LLC, by its attorneys and pursuant to the Federal Communications Commission's December 13, 2011 *Report and Order* in the above-captioned proceeding, hereby submits the attached request for a streamlined financial hardship waiver of the Commercial Advertisement Loudness Mitigation (CALM) Act rules for one year for commercial digital television broadcast station KNOP-TV, North Platte, Nebraska (Facility ID No. 49273) and, to the extent necessary, VHF Class A television broadcast station K11TW, North Platte, Nebraska (Facility ID No. 49285).

Should you have any questions or require additional information, please contact the undersigned.

Respectfully submitted,



Tom W. Davidson

Enclosure

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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

To: The Secretary
For: Chief, Media Bureau

STREAMLINED FINANCIAL HARDSHIP WAIVER REQUEST

Hoak Media of Nebraska License, LLC (“Hoak”), licensee of commercial digital television broadcast station KNOP-TV, North Platte, Nebraska (Facility ID No. 49273) and VHF Class A television broadcast station K11TW, North Platte, Nebraska (Facility ID No. 49285) (together, the “Stations”), acting pursuant to Section 2(b)(2) of the Commercial Advertisement Loudness Mitigation Act (“CALM Act”) and the Report and Order released by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding (the “CALM Rules”),¹ hereby certifies to the Commission that the Stations meet the FCC’s definition of “small broadcast stations” and are in need of a one-year delay for their required compliance with the CALM Rules.² Accordingly, the Stations seek such relief pursuant to the streamlined procedures adopted by the Commission. In support thereof, Hoak states as follows:

Hoak submits that the Stations meet the FCC’s definition of “small broadcast stations” for the purposes of the CALM Act and the CALM Rules. The CALM Rules define a “small

¹ *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, Report and Order, MB Docket No. 11-83, 26 FCC Rcd 17222 (2011) (“Order”).

² It is unclear whether the CALM Act requirements apply to Class A television broadcast stations, such as K11TW. See Order at n.17. Nonetheless, in an abundance of caution, Hoak has included the requisite certifications and corresponding waiver request for K11TW to the extent such a waiver is necessary to comply with the FCC’s rules.

broadcast station” eligible for the streamlined waiver process as “either a station with no more than \$14.0 million in annual receipts or that is located in television markets 150 to 210.”³ The Stations are located in the North Platte, Nebraska market. According to BIA, the North Platte Nebraska market is television market 209.⁴ Thus, the Stations are located in a television market ranked between 150 and 210 and therefore qualify as “small broadcast stations” for these purposes under the FCC’s rules.

Hoak also submits that it needs a one-year delay in obtaining equipment in order to avoid the financial hardship that would be imposed were it required to obtain the equipment, such as the Miranda ADX – 3981, by the December 13, 2012 effective date of the CALM Rules.⁵ A one-year delay in having to acquire and operate this equipment represents a meaningful limitation on the financial hardship that the CALM Act imposes on this MVPD system.

Consequently, Hoak is entitled to a financial hardship waiver permitting it to receive a one-year delay in its CALM Act and CALM Rules compliance.

The undersigned certifies under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,



Eric Van den Branden
President
Hoak Media of Nebraska License, LLC
Executed October 11, 2012

October 11, 2012

³ See *id.* ¶ 53.

⁴ See Attachment A.

⁵ See Order at n.226 (indicating that a “certifying entity must identify or provide a description of the kind of equipment it intends to obtain; however it need not specify the model number”)

ATTACHMENT A

Call Letters	K11TW		Market	North Platte, NE		Rank	209	Rev Rank	208
Over-the-Air	Gross Market	Rev. \$(000)	% Change	Rev/Pop (\$)	Rev/HU (\$)	Rev/\$1,000 Retail Exp (\$)	Rev/\$1,000 Agg Disp Inc (\$)	Online/Interactive Gross Market Rev. \$(000)	Confidence
									11
06	\$2,300		15.0	61.83	148.39	3.84	2.05	\$0	Network Rev 2.0 %
07	\$2,200		-4.3	59.30	141.03	7.21	3.01	\$0	Regional Rev 53.0 %
08	\$2,200			58.51	143.79	7.27	3.03	\$0	Local Rev 45.0 %
09	\$2,300		4.5	63.36	152.32	7.68	3.20	\$0	
10	\$2,600		13.0	70.46	171.05	8.21	3.25	\$50	
11	\$2,500		-3.8	66.49	160.26	4.39	1.86	\$60	
12	\$2,800		12.0	74.32	178.42	4.85	2.06	\$70	
13	\$2,700		-3.6	71.52	171.02	4.62	1.97	\$80	
14	\$2,800		3.7	74.02	176.29	4.74	2.02	\$100	
15	\$2,800			73.88	175.24	4.68	1.99	\$110	
16	\$3,100		10.7	81.63	192.86	5.12	2.18	\$120	
Revenue Growth						Revenue Growth			
	06-11	1.3 %							11-16 15.2 %
	10-11	-3.9 %							
	11-16	4.6 %							

Call Letters	KHGI-CD		Market	North Platte, NE		Rank	209	Rev Rank	208
Over-the-Air	Gross Market	Rev. \$(000)	% Change	Rev/Pop (\$)	Rev/HU (\$)	Rev/\$1,000 Retail Exp (\$)	Rev/\$1,000 Agg Disp Inc (\$)	Online/Interactive Gross Market Rev. \$(000)	Confidence
									11
06	\$2,300		15.0	61.83	148.39	3.84	2.05	\$0	Network Rev 2.0 %
07	\$2,200		-4.3	59.30	141.03	7.21	3.01	\$0	Regional Rev 53.0 %
08	\$2,200			58.51	143.79	7.27	3.03	\$0	Local Rev 45.0 %
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14	\$2,800		3.7	74.02	176.29	4.74	2.02	\$100	
15	\$2,800			73.88	175.24	4.68	1.99	\$110	
16	\$3,100		10.7	81.63	192.86	5.12	2.18	\$120	
Revenue Growth						Revenue Growth			
	06-11	1.3 %							11-16 15.2 %
	10-11	-3.9 %							
	11-16	4.6 %							

Call Letters	KNOP-TV	Market	North Platte, NE		Rank	209	Rev Rank	208	
Over-the-Air			Rev/Pop	Rev/HU	Rev/\$1,000	Rev/\$1,000	Online/Interactive	Confidence	
Gross Market			(\$)	(\$)	Retail Exp	Agg Disp Inc	Gross Market	1	
Rev. \$(000)	% Change				(\$)	(\$)	Rev. \$(000)	11	
06	\$2,300	15.0	61.83	148.39	3.84	2.05	\$0	Network Rev 2.0 %	
07	\$2,200	-4.3	59.30	141.03	7.21	3.01	\$0	Regional Rev 53.0 %	
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15	\$2,800		73.88	175.24	4.68	1.99	\$110		
16	\$3,100	10.7	81.63	192.86	5.12	2.18	\$120		
Revenue Growth				Revenue Growth					
	06-11	1.3 %					11-16	15.2 %	
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