

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

In the Matter of)
)
Implementation of the Commercial) MB Docket No. 11-93
Advertisement Loudness Mitigation (CALM))
Act)
)
Holston Valley Broadcasting Corporation)
FRN 0001-7701-63)
WAPG-CD, Greeneville, Tennessee)
Facility ID #27502)
)
Request for Financial Hardship Waiver)

TO: The Commission and the
Chief, Video Division, Media Bureau

REQUEST FOR "FINANCIAL HARDSHIP WAIVER"

Holston Valley Broadcasting Corporation ("HVBC"), licensee of Class A digital television station WAPG-CD, Greeneville, Tennessee ("WAPG-CD"), by its attorney, hereby requests a waiver of at least one year's duration of the requirement that WAPG-CD comply with the Commercial Advertising Loudness Mitigation ("CALM") Act. This request is being filed electronically through the FCC's "ECFS" system pursuant to ¶¶49-58 of the *Report and Order* in the above-entitled rulemaking proceeding, FCC 11-182, 26 FCC Rcd 17222, released December 13, 2011 ("R&O"). In support whereof the following is shown:

Financial Hardship Waiver

¶¶52-53 of the R&O permits "small television stations" to seek a "streamlined" financial hardship waiver if they can show two things: (1) that the station meets the FCC's definition of "small" for this purpose, which is either a station with less than \$14,000,000.00 in annual receipts or is located within markets 150-210; and (2) needs a delay of one year to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to be obtain the equipment sooner. This request is timely filed pursuant to ¶57 of the R&O as it is being filed at least 60 days prior to the effective date of the regulations adopted pursuant to the CALM Act, December 13, 2012.

HVBC hereby certifies that WAPG-CD's annual revenues are less than \$14,000,000.00.

Furthermore, as demonstrated in the attached certification, HVBC also certifies that it needs a delay of one year to obtain equipment which is compliant with the so-called "A/85" standard as it would suffer a financial hardship were WAPG-CD to be compelled to acquire new equipment and software prior to December 13, 2012.

HVBC therefore believes that it has met the criteria in order for WAPG-CD to be granted a "financial hardship waiver".

HVBC hereby certifies that no party to this request is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §853a.

WHEREFORE, Holston Valley Broadcasting Corporation urges that the foregoing request for a "Financial Hardship Waiver" **BE GRANTED.**

Respectfully submitted,

**HOLSTON VALLEY BROADCASTING
CORPORATION**



By _____
Dennis J. Kelly
Its Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 41177
Washington, DC 20018-0577
Telephone: 202-293-2300

dkellyfcclaw1@comcast.net

DATED: October 11, 2012

CALM ACT WAIVER CERTIFICATION

Fred Falin, pursuant to Section 1.16 of the FCC's Rules, hereby declares as follows:

1. I am a Vice-President of Holston Valley Broadcasting Corporation, licensee of Class A digital television station WAPG-CD, Greeneville, Tennessee.

2. Pursuant to Section 2(b)(2) of the Commercial Advertisement Loudness Mitigation Act ("CALM Act") and paragraphs 49-58 of the FCC Report and Order in MB Docket No. 11-93, released December 13, 2011, 26 FCC Rcd 17222 (2011), I hereby certify to the FCC that WAPG-CD is in need of a one-year delay in its required compliance with the CALM Act and rules promulgated by the FCC thereunder, and therefore WAPG-CD seeks a "streamlined financial hardship waiver".

3. WAPG-CD meets the standard for a "small broadcast station" adopted by the FCC in MB Docket No. 11-93. I hereby certify that WAPG-CD's annual revenues are less than \$14,000,000.00.

4. Additionally, WAPG-CD needs a one-year delay to acquire the necessary equipment to comply with the CALM Act in order to avoid the financial hardship that would be imposed were it required to obtain the equipment by the December 13, 2012 effective date of the new CALM Act rules. WAPG-CD has received a cost estimate for the acquisition of the required hardware and software in excess of \$8,000.00. The acquisition of this equipment constitutes a financial hardship on WAPG-CD given its revenues and the costs incurred in the day-to-day operation of the station. A one-year delay in having to acquire this equipment will substantially mitigate the financial hardship imposed on a small market station like WAPG-CD.

5. Accordingly, WAPG-CD is entitled to a financial hardship waiver entitling it to a one-year delay in having to come into compliance with the CALM Act.

The foregoing statements are true and correct and are made under penalty of perjury.

DATED this 11th day of October, 2012.

A handwritten signature in cursive script, reading "Fred Falin".

Fred Falin