

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)	
)	
WPGA-TV, Perry, Georgia (FID 54728))	
And WPGA-LP, Macon, Georgia (FID)	
67972)	

To: Secretary, FCC
For: Chief, Video Division, Media Bureau

STREAMLINED “FINANCIAL HARDSHIP”
WAIVER PETITION

Radio Perry, Inc., the licensee of WPGA-TV, Perry, Georgia (FID 54728) and Radio Peach, Inc., the licensee of analog low power television station WPGA-LP, Macon, Georgia (FID 67972) (each a “Station” and collectively, the “Stations”),¹ by their counsel, hereby request a streamlined one-year waiver of the Stations’ requirement to comply with the Commercial Advertising Loudness Mitigation (“CALM”) Act and the Commission’s rules implementing the CALM Act.² The following is submitted in support of this waiver petition:

The *Order* provides that “small broadcast stations” may seek a streamlined financial hardship waiver if they satisfy two requirements: 1) the station meets the Commission’s definition of “small” for this purpose; and 2) the station needs a delay of one year to obtain

¹ The Station licensees are wholly-owned subsidiaries of Register Communications, Inc.

² *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, Report and Order, 26 FCC Rcd 17,222 (2011) (“*Order*”). The waiver provisions are set forth in Paragraphs 49-58 of the *Order*.

specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner.³

The *Order* establishes two different methods for demonstrating eligibility as a “small broadcast station”: 1) the station has no more than \$14 million in annual receipts; or 2) the station is located in television markets 150-210.⁴

The Stations qualify as “small broadcast stations” because neither Station has more than \$14 million in annual receipts, even if their revenues are combined.

In addition, the Stations satisfy the second criteria because the expense of purchasing CALM-compliant equipment would impose a significant financial burden on the Stations and its owner. In particular, WPGA-TV has struggled financially since losing its ABC network affiliation. In addition, as a low power television station, WPGA-LP lacks mandatory carriage rights and is unable to draw significant advertising. The kind of equipment needed to comply with CALM Act requirements includes ATSC A/85-compliant audio limiter and monitoring equipment, and such equipment is currently unavailable at a price point that the Stations can afford. The estimated costs for such equipment approach \$10,000.

The Declaration of Debbie Hart, Secretary of the licensee of each Station, is attached and incorporated herein. The Declaration states that annual receipts of the Stations are less than \$14 million.

For the foregoing reasons, the Stations respectfully request a one-year “financial

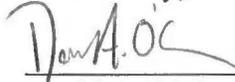
³ *Id.* ¶ 52.

⁴ *Id.* ¶ 53.

hardship” waiver under the Commission’s streamlined waiver requirements available to small broadcast stations.

Respectfully submitted,

Radio Perry, Inc. and Radio Peach, Inc.



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Submitted via ECFS

DECLARATION

I, Debbie Hart, am the Secretary of Radio Perry, Inc., the licensee of WPGA-TV, Perry, Georgia, and the Secretary of Radio Peach, Inc., the licensee of WPGA-LP, Macon, Georgia.

I have reviewed the foregoing petition and certify that the information contained in the petition is accurate and complete.

I hereby certify that the annual receipts for WPGA-TV and WPGA-LP, even when combined, are less than \$14 million. The stations require a waiver of one year to avoid the financial hardship that would otherwise be imposed if the stations were required to purchase equipment that complies with CALM Act requirements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2012.


Debbie Hart