

Before the
Federal Communications Commission
Washington, D.C. 20554

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

To: Marlene Dortch, Secretary
Federal Communications Commission
ATTN: Media Bureau

Request for Streamlined Financial Waiver of CALM Act Requirements

1. United Communications Corporation (“UCC”), licensee of WWNY-TV, Carthage, New York, Fac. Id 68851; WNYF-CA, Watertown, New York, Fac. Id 16743; WNYF-CD, Watertown, New York, Fac. Id 168478 and WNYF-LD, Massena, New York, Fac. Id 16744 (WNYF-LD, together with WWNY-TV, WNYF-CA and WNYF-CD, collectively referred to herein as the “Stations”),¹ hereby requests the streamlined financial waiver of the Commercial Advertisement Loudness Mitigation Act (“CALM Act”) as established by the Commission in the Report and Order in the above-entitled rulemaking proceeding, FCC 11-182, 26 FCC Rcd 17222, released December 13, 2011 (the “R&O”). See R&O, paras. 49-58.

2. The Commission determined that “small broadcast stations” would be able to receive a waiver of the CALM Act requirements if they could show (1) that the station meets the Commission’s definition of a “small broadcast station” 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. See R&O, para 52.

¹ Station WNYF-LD has pending before the Commission an application for Class A status. See BLTTA-20010129AAU.

3. UCC hereby certifies that the Stations meet the definition of “small broadcast stations” and that it needs a delay to obtain the required equipment to comply with the CALM Act as it would be a financial hardship for it to purchase the equipment by December 13, 2012. The Stations are located in the Watertown, New York Designated Market Area, which is the 177th ranked market by Nielson. Further, given the expenses required to operate the Stations, a one year delay would help reduce the burden on UCC to comply with the CALM Act. UCC estimates that the equipment necessary to comply with the CALM Act would cost at least \$20,000, which would present a financial hardship for the Stations.

4. UCC hereby certifies that no party to this waiver 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.

Conclusion

5. UCC is entitled to a financial hardship waiver permitting it to receive a one-year delay for it to comply with the CALM Act. Therefore, for the reasons set forth above, UCC respectfully requests that the Commission grant the instant request for waiver.

Respectfully submitted,



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