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

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

Directed to: Office of the Secretary
Attention: Chief, Media Bureau

STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION

1. By this pleading and the attached certificate, The Vacation Channel, LLC ("Licensee"), licensee of KBNS-CD, Facility ID 168219, Branson, Missouri, hereby certifies that KBNS-CD requires a one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the "CALM Act") and requests a waiver of the December 13, 2012 deadline for compliance. [1]

2. Pursuant to the streamlined waiver process set forth in the Commission's December 13, 2011 *Report and Order* in this proceeding, Licensee requests waiver for KBNS-CD as a "small broadcast station."[2] Under the procedures adopted in the *Order*, a station seeking a waiver on this basis must certify to the Commission that it qualifies as a "small broadcast

[1] It is the Licensee's understanding that Class A television stations are not subject to the CALM Act compliance requirements. This understanding is based on Footnote 17 of *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011) (the "*Order*"), which defines a subject "television broadcast station" as a station licensed under Subpart E of Part 73. Class A stations are licensed under Subpart J and thus do not come within the definition. Nevertheless, this waiver certification is filed for KBNS-CD in an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations.

[2] *Order* at 17253-54.

station" and that it requires a delay of one year to obtain specified equipment to avoid financial hardship.[3]

3. As set forth in the attached Certification of C. Scott Earls, Licensee certifies that KBNS-CD satisfies the definition of "small broadcast station" by virtue of having less than $14 million in gross annual receipts. Mr. Earls further certifies that, to avoid financial hardship, the Licensee requires a one-year delay to obtain certain the equipment necessary for KBNS-CD to comply with the Commission's CALM Act requirements.

4. Accordingly, if applicable, The Vacation Channel, LLC respectfully requests a one-year waiver for KBNS-CD to comply with the CALM Act.

Respectfully submitted:

/s/

By: _____
Davina Sashkin
Counsel for The Vacation Channel, LLC

FLETCHER, HEALD & HILDRETH, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209-3801
Tel. 703- 812-0400
Fax 703-812-0486
E-mail: sashkin@fhhlaw.com

October 15, 2012

[3] *Id.*

CERTIFICATION OF C. SCOTT EARLS

C. Scott Earls hereby certifies:

1. I am Managing Member of The Vacation Channel, LLC.

2. The Vacation Channel, LLC is the licensee of Station KBNS-CD, Facility ID 168219, Branson, Missouri.

3. During calendar year 2011, KBNS-CD had less than $14 million in annual receipts. It is anticipated that KBNS-CD will also have less than $14 million in annual receipts for 2012.

4. If Class A stations must achieve compliance with the Commission's CALM Act requirements, KBNS-CD will have to install certain equipment, including a loudness controller device and software.

5. As initial estimates have indicated that the costs for such equipment will be a minimum of several thousand dollars, The Vacation Channel, LLC requires a one-year waiver of the Commission's CALM Act requirements for KBNS-CD to allow it to obtain the necessary equipment while avoiding financial hardship.

C. Scott Earls

October 15, 2012