

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)
)

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

STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION

1. By this pleading and the attached certificate, Kaleidoscope Foundation, Inc. (“Licensee”), licensee of Stations KFFS-CA, Facility ID 52430, Fayetteville, AR; KKAF-CD, Facility ID 52432, Siloam Springs, AR; KHMF-CA, Facility ID 52420 Bentonville, AR; KRAH-CA, Facility ID 52423, Paris, AR; KSJF-CA, Facility ID 52425, Poteau, OK and KFDF-CD, Facility ID 168154, Fort Smith, AR, hereby certifies that KFFS-CA, KKAF-CD, KHMF-CA, KRAH-CA, KSJF-CA and KFDF-CD require 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.

2. Pursuant to the streamlined waiver process set forth in the Commission’s December 13, 2011 *Report and Order* in this proceeding, Licensee requests waivers for KFFS-CA, KKAF-CD, KHMF-CA, KRAH-CA, KSJF-CA and KFDF-CD as a “small broadcast station.”¹ Under the procedures adopted in the *Order*, station seeking a waiver on this basis must certify to the

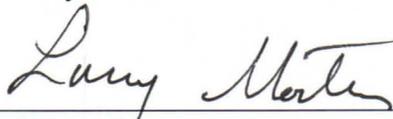
¹ *Order* at 17253-54.

Commission that it qualifies as a “small broadcast station” and that it requires a delay of one year to obtain specified equipment to avoid financial hardship.²

3. As set forth in the attached Certification of a President, Licensee certifies that KFFS-CA, KKAF-CD, KHMf-CA, KRAH-CA, KSJF-CA and KFDF-CD satisfies the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts. The certification recites that to avoid financial hardship the Licensee requires a one-year delay to obtain certain the equipment necessary for KFFS-CA, KKAF-CD, KHMf-CA, KRAH-CA, KSJF-CA and KFDF-CD to comply with the Commission’s CALM Act requirements.

4. Accordingly, Kaleidoscope Foundation, Inc. respectfully requests a one-year waiver for KFFS-CA, KKAF-CD, KHMf-CA, KRAH-CA, KSJF-CA and KFDF-CD to comply with the CALM Act.

Respectfully submitted:

By: 
Larry Morton
President

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equitylem@gmail.com

October 15, 2012

² *Id.*

CERTIFICATION OF LARRY MORTON

I, Larry Morton, hereby certifies as follows:

1. I am a Managing member of Kaleidoscope Foundation, Inc.
2. Kaleidoscope Foundation, Inc. is the licensee of Stations KFFS-CA, Facility ID 52430, Fayetteville, AR; KKAF-CD, Facility ID 52432, Siloam Springs, AR; KHMf-CA, Facility ID 52420 Bentonville, AR; KRAH-CA, Facility ID 52423, Paris, AR; KSJF-CA, Facility ID 52425, Poteau, OK and KFDF-CD, Facility ID 168154, Fort Smith, AR.
3. During calendar year 2011, the stations had less than \$14 million in annual gross receipts, based on gross receipts received during the year. It is anticipated that KFFS-CA, KKAF-CD, KHMf-CA, KRAH-CA, KSJF-CA and KFDF-CD will also have less than \$14 million in annual gross receipts for 2012.
4. To achieve compliance with the Commission's CALM Act requirements, I estimate costs in the range of \$20-25,000 per station, for encoding and monitoring equipment and software the enable KFFS-CA, KKAF-CD, KHMf-CA, KRAH-CA, KSJF-CA and KFDF-CD to be able both to ensure that the audio level of commercials is not excessive and to check compliance when as it may be required.
5. To avoid a financial burden that we cannot afford to meet at this time, Kaleidoscope Foundation, Inc. requests a one-year waiver of the Commission's CALM Act requirements for KFFS-CA, KKAF-CD, KHMf-CA, KRAH-CA, KSJF-CA and KFDF-CD.



Name: Larry Morton

October 15, 2012