

December 12, 2012

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Streamlined “Financial Hardship” Waiver
Implementation of the CALM Act (Docket No. 11-93)
Thunder Bay Broadcasting Corporation
WBKB-TV, Alpena, Michigan (FID: 67048)

Attn: Chief, Video Services Division, Media Bureau

Dear Ms. Dortch:

Thunder Bay Broadcasting Corporation (“Thunder Bay”), licensee of WBKB-TV (FID: 67048)(the “Station”), by its attorney, hereby requests a streamlined one-year waiver of the Station’s requirement to comply with the Commercial Advertising Loudness Mitigation (“CALM”) Act and the Commission’s rules implementing the CALM Act.¹ Thunder Bay also seeks a waiver of applicable Commission rules to submit this request after the filing deadline.

The *Order* implementing the CALM Act 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” (defined as stations having no more than \$14 million in annual receipts); and 2) the station needs a delay to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner.² The Station satisfies both of these standards.

¹ *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*.

² *Id.* ¶¶ 52 – 53.

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Specifically, because the Station has annual receipts of less than \$14 million, it qualifies as a “small broadcast station,” thus satisfying the first prong of the waiver requirement. Moreover, because the expense of timely installing CALM-compliant equipment would impose a financial burden on the Station and its owner, this request satisfies the second prong of the waiver as well. This station has made efforts to comply with the new rules, ordering and installing equipment meant to equalize the volume of all programming on the station. However, unanticipated technical difficulties have prevented the equipment from functioning properly, and the manufacturer of the equipment has not been able to resolve the technical issues. New equipment has been ordered to replace the malfunctioning equipment. While it is anticipated that this new equipment will arrive at some point in January, this extension is requested in the event that other unanticipated issues arrive in completing all steps necessary to compliance with the CALM Act.

The Declaration of Cher Allen, General Manager, is attached and incorporated herein. The Declaration states that the annual receipts of the Station are less than \$14 million.

For the foregoing reasons, Thunder Bay respectfully requests a one-year “financial hardship” waiver under the Commission’s streamlined waiver requirements available to small broadcast stations.

Respectfully submitted,

Thunder Bay Broadcasting Corporation

/s/
David D. Oxenford
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037
Tel: 202-783-4141
Fax: 202-783-5851
E-mail: doxenford@wbklaw.com
Its Attorney

DECLARATION

I, Cher Allen, am the General Manager of WBKB-TV, Alpena, Michigan.

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 the station are less than \$14 million. The station requires a waiver of one year to avoid the financial hardship that would otherwise be imposed if the station was required to timely install equipment that complies with CALM Act requirements.

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

Executed on December 12, 2012

A handwritten signature in cursive script that reads "Cher Allen". The signature is written in black ink and is positioned above a horizontal line.

Cher Allen