

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

Filed Electronically via ECFS - Attention: Chief, Media Bureau

STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION

1. By this pleading and the attached certificate, Evansville Low Power Partnership (“Licensee”) certifies that Class A Television Stations WTSN-CD, Facility ID 189735, and WYYW-CD, Facility ID 17742, Evansville, Indiana, both require a one-year delay to comply with the requirements of the Commercial Advertisement Loudness Mitigation Act (the “CALM Act”). Licensee requests a waiver of the December 13, 2012 deadline for compliance by those two stations.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 waivers for WTSN-CD and WTSN-CD as “small broadcast stations.”² Under the procedures adopted in the *Order*, stations seeking a waiver on this basis must certify to the Commission that they qualify as “small

¹ Licensee asserts that Class A television stations are not at this time subject to 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 of “television broadcast station” in either the statute or the *Order*. Nevertheless, this waiver certification is filed by Licensee out of an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations through a proper notice and rulemaking. The Licensee does not intend this filing to in any way concede that its Class A station is subject to the CALM Act.

² *Order* at 17253-54.

broadcast stations” and that they require a delay of one year to obtain specified equipment to avoid financial hardship.³

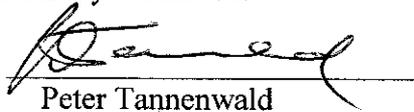
3. As set forth in the attached Certification of John M. Dunn, President, Licensee certifies that WTSN-CD and WYYW-CD satisfy the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts, taking both stations together. Mr. Dunn further certifies that, to avoid financial hardship, the Licensee requires a one-year delay to obtain the equipment necessary for WTSN-CD and WYYW-CD to comply with the CALM Act requirements.

4. Accordingly, Licensee respectfully requests a one-year waiver for WTSN-CD and WYYW-CD to comply with the CALM Act.

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Respectfully submitted:

By:


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FRN 0003-9438-34

December 13, 2012

³ *Id.*

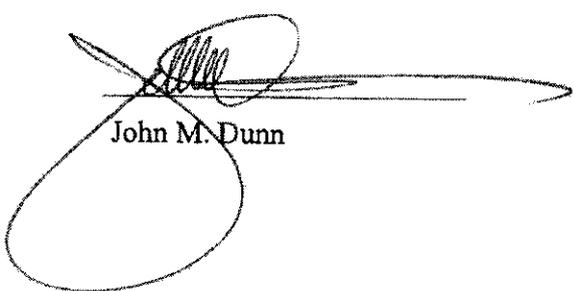
CERTIFICATION OF JOHN M. DUNN

John M. Dunn hereby certifies as follows:

1. I am President of Evansville Low Power Partnership.
2. Evansville Low Power Partnership is the licensee of Class A television stations WTSN-CD, Facility ID 189735, and WYYW-CD, Facility ID 17742, Evansville, Indiana.
3. During calendar year 2011, WTSN-CD and WYYW-CD together had less than \$14 million in annual gross receipts. The annual gross receipts for 2012 for both stations together will also be less than \$14 million.
4. The stations' technical consultant estimates that to achieve CALM Act compliance for Station WTSN-CD and WYYW-CD will require the following equipment for each station:

ASI Decoder	\$3,900
Orban 8685	19,500
HD Encoder	<u>6,500</u>

Total per station: \$29,900 Total for both stations: \$59,800
5. Licensee's financial resources have been strained during 2012 because of construction of new digital facilities. WTSN-CD began operation on Channel 20 in March of 2012, and WYYW-TV is scheduled to complete its migration to Channel 15 in a few days. Licensee needs time to accumulate financial resources to finance CALM compliance.
6. Accordingly, Evansville Low Power Partnership hereby requests a one-year waiver of the December 13, 2012, compliance deadline.


John M. Dunn

December 13, 2012