

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, V-1 Productions, Inc. (“Licensee”) certifies that Class A Television Station WWCI-CA, Facility ID 18894, Vero Beach, Florida, 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. While WWCI-CA is licensed as an analog station, it is transmitting a digital signal under special temporary authority (BSTA-20090618ADW, as extended); so subject to the exception taken in Footnote 1, *supra*, its operations may be regulated by the CALM Act.

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.

3. Pursuant to the streamlined waiver process set forth in the *Order*, Licensee requests waiver for WWCI-CA as “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 station” and that it requires a delay of one year to obtain equipment to avoid financial hardship.³

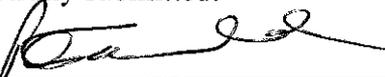
4. As set forth in the attached Certification of José A. Guerra, President, Licensee certifies that WWCI-CA satisfies the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts. Mr. Guerra further certifies that, to avoid financial hardship, the Licensee requires a one-year delay to obtain the equipment necessary for WWCI-CA to comply with the CALM Act requirements.

4. Accordingly, Licensee respectfully requests a one-year waiver for WWCI-CA to comply with the CALM Act.

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Respectfully submitted:

By:



Peter Tannenwald

Counsel V-1 Productions, Inc.

December 13, 2012

² *Order* at 17253-54.

³ *Id.*

CERTIFICATION OF JOSE A. GUERRA

José A. Guerra hereby certifies as follows:

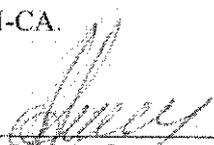
1. I am President of V-1 Productions, Inc.
2. V-1 Productions, Inc. the licensee of Class A television station WWCI-CA,

Vero Beach, Florida, which is currently operating in the digital mode.

3. During calendar year 2011, WWCI-CA had less than \$14 million in annual gross receipts. WWCI-CA's annual gross receipts for 2012 will also be less than \$14 million. WWCI-CA is the only operating station licensed to V-1 Productions, Inc. or any other commonly owned or controlled entity.

4. I estimate that to achieve CALM Act compliance for Station WWCI-CA will cost between \$3,000 and \$10,000 for encoders, software, and ancillary equipment. WWCI-CA is currently in the process of upgrading its facilities to permanent digital operation and may be moving its main studio soon. We do not have sufficient available capital to finance CALM equipment now, and we need to determine the permanent location of its main studio before trying to make such an investment. There is no firm timetable at this time for relocation, because what we do will depend on the outcome of ongoing negotiations with current and possible future landlords.

5. Accordingly, V-1 Productions, Inc. hereby requests a one-year waiver of the December 13, 2012, compliance deadline for WWCI-CA.



José A. Guerra

December 13, 2012