

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, Harpole Telecom, Inc. (“Licensee”) certifies that Class A Television Station WUWT-CD, Facility ID 32216, Union City, Tennessee, 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.<sup>1</sup>

2. Pursuant to the streamlined waiver process set forth in the *Order*, Licensee requests waiver for WUWT-CD as “small broadcast station.”<sup>2</sup> Under the procedures adopted in the *Order*, a station seeking a waiver on this basis must certify to the Commission that it qualifies as

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<sup>1</sup> 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.

<sup>2</sup> *Order* at 17253-54.

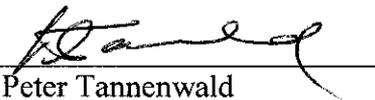
a “small broadcast station” and that it requires a delay of one year to obtain equipment to avoid financial hardship.<sup>3</sup>

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

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

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Respectfully submitted:

By:   
Peter Tannenwald

Counsel Harpole Telecom, Inc.  
FRN 0021-8404-18

December 13, 2012

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<sup>3</sup> *Id.*

**CERTIFICATION OF JOSEPH H. HARPOLE**

Joseph H. Harpole hereby certifies as follows:

1. I am President of Harpole Telecom, Inc.
2. Harpole Telecom, Inc. is the licensee of Class A television station WUWT-CD, Union City, Tennessee.

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

4. I have received an estimate from an equipment supplier that the most rudimentary equipment to achieve CALM Act compliance for Station WUWT-CD, not including automatic record-keeping, will cost a minimum of approximately \$1,500. I anticipate that the cost for equipment to satisfy all obligations, including automated record-keeping, will be at least twice that amount. WUWT-CD recently upgraded its transmitter to digital operation and does not have extra capital available at this time.

5. WUWT-CD still generates the audio component of its signal in analog format. We have in service an analog limiter that prevents content from exceeding the loudness threshold for which the equipment is set. We do not believe that any excessively loud commercial volume can pass through this equipment and reach our over-the-air viewers.

6. Accordingly, Harpole Telecom, Inc. hereby requests a one-year waiver of the December 13, 2012, compliance deadline for WUWT-CD.

  
Joseph H. Harpole

December 13, 2012