

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

KAXT, LLC (“Licensee”), licensee of KAXT-CD, San Jose-San Francisco, CA (Facility ID 37689),¹ hereby certifies that KAXT-CD requires an additional one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the “CALM Act”) and, as set forth herein, requests waiver of the December 13, 2012 deadline for compliance. This filing is timely as a result of the deadline suspension following the government shutdown which ended October 17.

Pursuant to the streamlined waiver process set forth in the Commission’s December 13, 2011 *Report and Order* in this proceeding, Licensee requests waiver for KAXT-CD as a “small broadcast station.”² Under the procedures adopted in the *Order*, a “small broadcast station” seeking a waiver must do so by certifying to the Commission that it qualifies as a “small

¹ It is the Licensee’s understanding of the Commission’s December 13, 2011 *Report and Order* that Class A television stations are not subject to the CALM Act compliance requirements. Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act, *Report and Order*, 26 FCC Rcd 17222 (2011) (the “*Order*”). This waiver certification is filed for KAXT-CD in an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations.

² *Order* at 17253-54.

broadcast station” and that it requires a delay of one year to obtain specified equipment to avoid financial hardship.³

As set forth in the attached Certification of Warren Trumbly, Licensee certifies that each station satisfies the definition of “small broadcast station” set forth in the *Order* by virtue of the fact that KAXT-CD has less than \$14 million in annual receipts. Mr. Trumbly further certifies that, to avoid financial hardship, the Licensee requires an additional one-year delay to obtain certain the equipment necessary, for KAXT-CD to comply with the Commission’s CALM Act requirements.

For the foregoing reasons, KAXT, LLC respectfully requests a one-year waiver for KAXT-CD to comply with the CALM Act.

Respectfully submitted:

KAXT, LLC

By: _____/s/
Peter Tannenwald
Jonathan R. Markman

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October 14, 2013

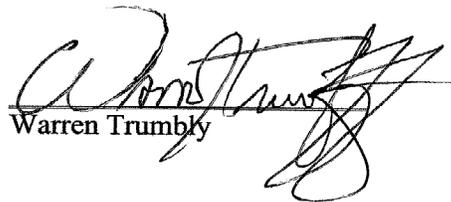
³ *Id.*

CERTIFICATION OF WARREN TRUMBLY

I, Warren Trumbly, hereby certify as follows:

1. I am President of KAXT, LLC.
2. KAXT, LLC, is the FCC licensee of KAXT-CD, San Jose-San Francisco, CA (Facility ID 37689).
3. During calendar year 2012, KAXT had less than \$14 million in annual receipts, thus each station had less than \$14 million in annual receipts. It is anticipated that KAXT will also have less than \$14 million in annual receipts for 2013.
4. To avoid financial hardship, KAXT, LLC requires an additional one-year waiver of the Commission's CALM Act requirements for KAXT-CD to allow it to obtain the necessary equipment.

October 14, 2013


Warren Trumbly