

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

1. By this pleading and the attached certificate, Southern TV Corporation (“Licensee”), licensee of WGSA(DT), Baxley, Georgia (Facility ID No. 69446) and WGSA-CA, Savannah, Georgia (Facility ID 69447) (collectively “WGSA”), hereby certifies that WGSA requires an additional one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the “CALM Act”).¹ This filing is timely as a result of the deadline suspension following the government shutdown which ended on October 17.

2. 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 WGSA-CA as a “small broadcast station.”² Under the procedures adopted in the *Order*, stations seeking a waiver

¹ It is the Licensee’s understanding that Class A television stations are not subject to the 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. Nevertheless, this waiver certification is filed for WGSA-CA 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.

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 specified equipment to avoid financial hardship.³

3. As set forth in the attached Certification of Dan Johnson, Licensee certifies that WGSA satisfies the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts. Mr. Johnson further certifies that, to avoid financial hardship, the Licensee requires an additional one-year delay to obtain certain the equipment necessary for WGSA to comply with the Commission’s CALM Act requirements.

4. Accordingly, Southern TV Corporation respectfully requests an additional one-year waiver for WGSA to comply with the CALM Act.

Respectfully submitted:

SOUTHERN TV CORPORATION

By: _____/s/_____

Peter Tannenwald
Jonathan R. Markman

Its Attorneys

FLETCHER, HEALD & HILDRETH, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
(703) 812-0400

October 15, 2013

³ *Id.*

CERTIFICATION OF DAN L. JOHNSON

Dan L. Johnson hereby certifies:

1. I am President of Southern TV Corporation.
2. Southern TV Corporation is the FCC licensee of WGSA(DT), Baxley, Georgia (Facility ID No. 69446) and WGSA-CA, Savannah, Georgia (Facility ID 69447).
3. During calendar year 2012, Southern TV Corporation had less than \$14 million in annual receipts, thus each station had less than \$14 million in annual receipts. It is anticipated that Southern TV Corporation will also have less than \$14 million in annual receipts for 2013.
4. To achieve compliance with the Commission's CALM Act requirements, Southern TV Corporation must obtain and install an encoder, a monitor/metering device, and software for each station.
5. To minimize the financial hardship anticipated as a result of such equipment acquisition, Southern TV Corporation requires a one-year waiver of the Commission's CALM Act requirements for WGSA-DT and WGSA-CA, as applicable.


Dan L. Johnson

October 14, 2013