



**David G. O'Neil**  
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October 18, 2013

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Billy Ray Locklear Evangelical Association  
WLPS-CD, Lumberton-Pembroke, North Carolina  
Facility Id. No. 167158  
Extension of Financial Hardship Waiver Request**

Dear Ms. Dortch:

Billy Ray Locklear Evangelical Association, the licensee of WLPS-CD and by its counsel, hereby files this "Request for Extension of Waiver Due to Financial Hardship" of the Commission's Report and Order in *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011).

Please contact the undersigned directly if there are any questions concerning this matter.

Respectfully submitted,

David G. O'Neil

DGO:do  
Enclosure

{00022070.DOC.1}

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 )  
)

To: The Secretary  
For: The Chief, Media Bureau  
Filed via EFCS under Docket No. 11-93

**REQUEST FOR EXTENSION OF WAIVER DUE TO FINANCIAL HARDSHIP**

Billy Ray Locklear Evangelical Association (“Locklear Ministries”), licensee of WLPS-CD, Lumberton-Pembroke, North Carolina, hereby requests an extension of the waiver of the effective date of the Commission’s Rules implementing the Commercial Advertisement Loudness Mitigation Act (“CALM Act”) pursuant to Paragraphs 52 and 53 of the *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011) (“Calm Rules”).<sup>1</sup> Locklear Ministries hereby certifies that it is in need of the one year extension in its required compliance with the CALM Act and the CALM Rules and seeks such relief pursuant to the streamlined rules adopted by the Commission. In support thereof, the following is respectfully submitted:

A small station may seek waiver of the Calm Rules by certifying to the Commission that it: (1) meets the Commission definition of a small business for this purpose and (2) needs a delay of one year to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner. The Commission defines a “small station” as either a station with no more than \$14.0 million in annual receipts or that is located in television markets 150 to 210.

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<sup>1</sup> The Commission suspended all FCC filing deadlines that occurred during the government shutdown and on or before October 21, 2013. See *Public Notice DA 13-2025* released October 17, 2013. Thus this pleading is timely filed.

Locklear Ministries submits that it meets the standard for being considered a small broadcast station under the Calm Rules. Locklear Ministries is an independent television station that broadcasts religious and community-oriented programming to its local viewers in Lumberton-Pembroke, North Carolina. During the calendar year 2011, Locklear Ministries had less than \$14 million in annual receipts. Locklear Ministries anticipates that it will have less than \$14 million in annual receipts for both the 2012 and 2013 calendar years.

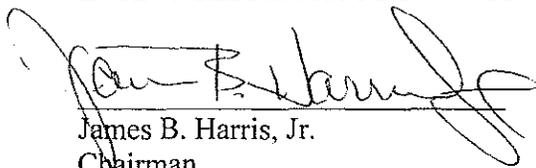
Locklear Ministries also submits that it needs a one-year delay in obtaining equipment in order to avoid the financial hardship that would be imposed were it required to obtain the equipment by the December 13, 2013 effective date of the Calm Rules. Attached hereto as Exhibit 1 is an estimate provided by SCMS, Inc. of the equipment WLPS-CD requires in order to comply with the Calm Rules. The acquisition of this equipment constitutes a financial hardship given the annual gross revenues and expenses associated with operation of WLPS-CD. A one year delay in Locklear Ministries having to acquire this equipment represents a meaningful limitation on the financial hardship that the CALM Act imposes on the station.

Consequently, WLPS is entitled to a financial hardship waiver permitting it to receive a one year delay in its CALM ACT and Calm Rules compliance.

The undersigned certifies under the penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

**BILLY RAY LOCKLEAR**  
**EVANGELICAL ASSOCIATION**



James B. Harris, Jr.  
Chairman

October 18, 2013

**EXHIBIT 1**



# QUOTE

**Mike Phelps**  
 mike@scmsinc.com  
 800-438-6040  
 704-889-4508

**002Q4565**

Oct 9, 2012

**Sold To**

**WLPS-TV**  
 3463 OAK GROVE CHURCH RD  
 ATTN: MR SAM GARFIELD  
 LUMBERTON, NC 28360

**Ship To**

**WLPS-TV**  
 3463 OAK GROVE CHURCH RD  
 ATTN: MR SAM GARFIELD  
 LUMBERTON, NC 28360

**Corporate Office**

Remit to:  
 SCMS Inc.  
 10201 Rodney Blvd.  
 Pineville, NC 28134

1-800-438-6040  
 ph. 704-889-4508  
 fax 704-889-4540  
 sales@scmsinc.com

sgarfield@dilicast.com

sgarfield@dilicast.com

Sales Rep	Cust. PO	Ship Via	Terms
Mike Phelps		Ground	Net 30

Line	Qty	Manufacturer	Part #	Description	List Price	Unit Price	Ext. Price
1	5	DaySequerra	NLC5.1ST	5.1 Surround + 2.0 Loudness Control • Simultaneous loudness control for 5.1 surround and auxiliary stereo AES channels on 75-ohm BNC • Proprietary DTS NLC algorithm with look-ahead technology maintains desired loudness level without a "squashed" or compressed sound • Industry-standard ITU-R BS.1770 loudness measurement for compliance monitoring • Easy-to-read numerical Measured and Target readouts on vacuum fluorescent display; bargraph LED audio level meters • Ethernet Interface/Remote Dashboard for compliance logging and built-in histograms	\$6,000.00	\$5,520.00	\$27,600.00
2	5	DaySequerra	LC - HD/SDI	3G HD/SDI Input Option for iLC2 or NLC5.1ST • Optional HD-SDI input for 8 de-embedded audio channels from SDI group 1 or 2	\$1,500.00	\$1,380.00	\$6,900.00
3	5	DaySequerra	iLM8	IMPROVED 5.1 Surround Loudness Meter • Simultaneous loudness measurement for 5.1 surround and auxiliary stereo AES inputs on 75-ohm BNC • Industry-standard ITU-R BS.1770/1-2, ATSC A/85, EBU R128 and ARIB TR-B32 Japan algorithms • NEW Auto Infinite Average is perfect for Ingest • NEW User Defined HomeScreens • Easy-to-read numerical Measured and Target readouts on vacuum fluorescent display; bargraph LED audio level meters • Ethernet interface for compliance logging and built-in histograms with iLM8 Remote Dashboard software	\$4,500.00	\$4,140.00	\$20,700.00
4	5	DaySequerra	iLM8-2D	NEW Option for iLM8 • Optional second DSP measures full 5.1 mix	\$1,000.00	\$920.00	\$4,600.00

TERMS & CONDITIONS: Quote is valid for 30 days with the exception of price increases from the manufacturer. All prices are FOB Origin. Taxes, e-procurement fees, and freight are not included. Any freight charges shown are estimates only and customer will be billed for actual charges. Package Sale Price is for payment within terms only, otherwise list price shown will be due. Terms are Pre-Payment before shipment. Partial invoicing for partial shipments will be allowed. All items remain the property of SCMS until paid for in full with all legal expenses required for collection paid by purchaser. Any stated deliveries are subject to SCMS stock availability and/or manufacturer's stock and production schedules at time of order. All used equipment is on a "first come first serve" basis. All non-defective returned products and cancellations are subject to a 20% restocking fee. All credit card purchases are subject to a surcharge. Only manufacturer warranties are applicable.

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Line	Qty	Manufacturer	Part #	Description	List Price	Unit Price	Ext. Price
5	5	DaySequerra	LC – HD/SDI	with isolated center to ensure announcer isn't buried by 4.0 surround mix  3G HD/SDI Input Option for iLC2 or NLC5.1ST • Optional HD-SDI input for 8 de-embedded audio channels from SDI group 1 or 2	\$1,500.00	\$1,380.00	\$6,900.00

<b>SUBTOTAL</b>	\$66,700.00
<b>TAX</b>	\$0.00
<b>SHIPPING</b>	\$0.00
<b>TOTAL</b>	<b>\$66,700.00</b>

<b>Accepted by</b>	<b>Signature</b>	<b>Date</b>
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TERMS & CONDITIONS: Quote is valid for 30 days with the exception of price increases from the manufacturer. All prices are FOB Origin. Taxes, e-procurement fees, and freight are not included. Any freight charges shown are estimates only and customer will be billed for actual charges. Package Sale Price is for payment within terms only, otherwise list price shown will be due. Terms are Pre-Payment before shipment. Partial invoicing for partial shipments will be allowed. All items remain the property of SCMS until paid for in full with all legal expenses required for collection paid by purchaser. Any stated deliveries are subject to SCMS stock availability and/or manufacturer's stock and production schedules at time of order. All used equipment is on a "first come first serve" basis. All non-defective returned products and cancellations are subject to a 20% restocking fee. All credit card purchases are subject to a surcharge. Only manufacturer warranties are applicable.

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