



Federal Communications Commission
Washington, D.C. 20554

December 5, 2014

DA-14-1776

LeaAnn Quist
Director Cable Television
Great Plains Cable Television
1600 Great Plains Centre
P.O. Box 500
Blair, NE 68008

In re: Great Plains Cable Television CALM Act Waiver Request (dated Sept. 29, 2014)
MB Docket No. 11-93

Dear Ms. Quist:

By this letter, we dismiss the above-referenced streamlined financial hardship waiver request¹ filed pursuant to Section 2(b)(2) of the CALM Act.²

Great Plains Cable Television (“Great Plains”) requested an initial streamlined financial hardship waiver on October 4, 2012, and requested a one-year renewal on October 28, 2013.³ These requests were deemed granted pursuant to the streamlined financial hardship waiver process established by the *CALM Act Report and Order*.⁴ Great Plains’ current financial hardship waiver expires on December 13, 2014, and it has filed the instant request for another one-year streamlined financial hardship waiver of the effective date of the CALM Act rules.

Section 2(b)(2) of the CALM Act provides that the Commission may grant a one-year waiver of the effective date of the rules implementing the statute to any television station or multichannel video programming distributor (MVPD) that shows it would be a “financial hardship” to obtain

¹ Great Plains Cable Television, “Request for Streamlined Financial Hardship Waiver of the Commercial Loudness Mitigation (CALM) Act Requirements,” MB Docket No. 11-93, dated Sept. 29, 2014.

² 47 U.S.C. § 621(b)(2).

³ See MB Docket No. 11-93.

⁴ The *CALM Act Report and Order* established a streamlined waiver process for qualifying small television stations and small MVPD systems. Under the streamlined process, a small station or small MVPD system must certify that it (1) meets the definition of “Small TV Station” or “Small MVPD System” and (2) to avoid financial hardship, it needs a delay of one year to obtain the necessary equipment, which it must identify or describe. The station or MVPD may consider the waiver granted when it files this information online and receives an automatic “acknowledgement of request,” unless the Media Bureau notifies the station or MVPD of a problem or question concerning the adequacy of the certification. *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, MB Docket No. 11-93, Report and Order, 26 FCC Rcd 17222, 17253, ¶ 52 (2011) (*CALM Act Report and Order*).

the necessary equipment to comply with the rules, and may renew such waiver for one additional year.⁵ By its terms, the statute expressly limits the waiver relief afforded by this provision to cover only two years after the effective date of the CALM Act rules, which was December 13, 2012.⁶

Therefore, as previously explained to you in conversations with Staff in October, Great Plains may not seek further waiver relief pursuant to Section 2(b)(2) of the CALM Act because the requested relief is for a period beyond the two years authorized by the statute. As emphasized in the *CALM Act Second Report and Order* released June 4, 2014 in this docket, “all regulated entities with existing financial hardship waivers must comply with the CALM Act rules when their financial hardship waivers expire.”⁷

Accordingly, IT IS ORDERED that the above-referenced financial hardship waiver request IS DISMISSED. This action is taken under delegated authority pursuant to Section 0.283 of the Commission’s rules.⁸

Sincerely,

Mary Beth Murphy
Chief, Policy Division
Media Bureau

⁵ 47 U.S.C. § 621(b)(2).

⁶ See 47 C.F.R. §§ 73.682(e)(1), 76.607(a)(1).

⁷ *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, MB Docket No. 11-93, Second Report and Order, 29 FCC Rcd. 6294, ¶ 7(2014) (*CALM Act Second Report and Order*). The *CALM Act Second Report and Order* explained that “[s]tations and MVPDs that obtained an initial financial hardship waiver were afforded until December 13, 2013 to comply with the CALM Act rules, and those that renewed their financial hardship waiver have until December 13, 2014 to comply with the CALM Act rules.” *Id.*

⁸ 47 C.F.R. § 0.283.