



Federal Communications Commission
Washington, D.C. 20554

January 20, 2016

DA 16-70
Released: January 20, 2016

Charles R. Meeker
5377 Dry Creek Road
Healdsburg, CA 95448

Re: KRET-CD, Cathedral City, CA
Facility ID: 10536
FRN: 0006199038

Dear Licensee:

This letter is in reference to the license renewal application for KRET-CD, Cathedral City, CA (“Station”), which is licensed to Charles R. Meeker (“Licensee”). We hereby admonish the Licensee for its violation of Section 73.3526(b)(2) of the Commission’s rules (“Rules”).¹

Section 73.3526 of the Rules requires each commercial broadcast licensee to maintain a public inspection file containing specific types of information related to station operations.² In particular, Section 73.3526(e)(11)(ii) of the Rules requires each commercial television broadcast station to place in its public inspection file records sufficient to allow substantiation of the licensee's certification, in its renewal application, of its compliance with the children's television commercial limits imposed by Section 73.670 of the Rules (“commercial limits certification”).³ A station’s commercial limits certification must be placed in its public inspection file on a quarterly basis by the tenth day of the succeeding calendar quarter.⁴ In 2012, the Commission adopted Section 73.3526(b)(2) of the Rules requiring licensees to upload elements of stations’ public files to an online Commission hosted website (*i.e.*, a Station’s “e-pif”).⁵ This requirement included uploading copies of a station’s quarterly commercial limits certification.⁶ Broadcasters’ e-pif requirements were phased in between August 2012 and February 2013.⁷

¹ 47 C.F.R. § 73.3526(b)(2).

² 47 C.F.R. § 73.3526.

³ *See* 47 C.F.R. § 73.670.

⁴ 47 C.F.R. § 73.3526(e)(11)(ii).

⁵ 47 C.F.R. § 73.3526(b)(2).

⁶ *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement for Children’s Television Programming Report*, Second Report and Order, 27 FCC Rcd 4535 (2012) (“*Second Report and Order*”) (requiring broadcast television stations to post their public inspection files, with limited exception, to an online Commission-hosted database).

⁷ Beginning August 2, 2012, stations were required to post any document that would otherwise be placed in a station’s public file, with limited exception, to their e-pif on a moving forward basis. By February 4, 2013, stations were required to upload to their e-pif, with limited exceptions, documents that were already in their physical public file prior to August 2, 2012. *See Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (2012); *Television Broadcast Stations Reminded of Their Online*

On August 1, 2014, the Licensee filed its license renewal application (FCC Form 303-S) for the Station.⁸ A staff inspection of the Station's e-pif revealed that the Licensee did not comply with Section 73.3526(b)(2) of the Rules by failing to upload copies of its quarterly commercial limit certifications for the entire license term.⁹ Following a request by staff, the Licensee promptly uploaded all missing commercial limit certifications to the Station's e-pif. On January 11, 2016, the Licensee amended its license renewal application and certified that while it did not upload copies of its commercial limit certifications to the Station's e-pif in a timely manner, the documents were prepared and placed in the station's physical local public inspection file on-time and were available to the public for inspection.¹⁰

While these late filings constitute a violation of Section 73.3526(b)(2) of the Rules, we have determined that an admonition is appropriate at this time.¹¹ Therefore, based upon the facts and circumstances before us, we **ADMONISH** the Licensee for its violation of Section 73.3526(b)(2) of the Rules. We do not rule out more severe sanctions for similar violations of this nature in the future. We also remind the Licensee that the Commission expects all television licensees to comply with the Commission's public inspection file rules, including the requirement to upload certain public file documents to a Station's e-pif in a timely manner.

Accordingly, **IT IS ORDERED** that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to the licensee at the address listed above.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc:

James Primm, Esq.
James Primm Attorney at Law
P.O. Box 547
Arroyo Grande, CA 93421

Public Inspection File Obligations, Public Notice, 27 FCC Rcd 15315 (2012); *Television Broadcast Stations Reminded of the Upcoming Public Inspection Filing Deadline*, Public Notice, 28 FCC Rcd 429 (2013); *see also Second Report and Order*, 27 FCC Rcd at 4580, para. 97.

⁸ File No. BRTTA-20140801ACM ("KRET-CD Renewal").

⁹ Section 73.3526(e)(11)(ii) of the Rules requires a licensee is required to retain its commercial limit certifications until final action has been taken on the station's next license renewal application. 47 C.F.R. § 73.3526(e)(11)(ii). The Station last had its license renewed on June 12, 2007. Therefore, the licensee should have had all commercial limit certifications in the Station's e-pif beginning with second quarter 2007.

¹⁰ KRET-CD Renewal at Exhibit 20.

¹¹ The Licensee states that it has put in place a system to ensure timely filing of on-line public file documents in the future. *Id.* Although corrective actions may have been taken to prevent future violations, this does not relieve the Station from liability for violations which have already occurred. *See International Broadcasting Corp.*, Memorandum Opinion and Order, 19 FCC 2d 793, 794 (1969) (permitting mitigation as an excuse based upon corrective action following a violation would "tend to encourage remedial rather than preventive action").