



Federal Communications Commission
Washington, D.C. 20554

March 13, 2012

D.T.V. LLC
1903 S. Greeley Hwy, # 127
Cheyenne, Wyoming 82007

Sunshine Broadcasting Company, Inc.
1903 S. Greeley Hwy, # 127
Cheyenne, Wyoming 82007

Re: KSEX-CA, San Diego, California
WARP-CD, Tampa, Florida
WIMP-CD, Miami, Florida
WIRE-CD, Atlanta, Georgia
WPHA-CD, Philadelphia, Pennsylvania
Facility ID Nos. 11371, 55106, 4366,
55108 and 72278

Dear Licensee:

This is with respect to the above-referenced Class A television stations licensed to commonly-owned D.T.V. LLC and Sunshine Broadcasting Company, Inc. ("Licensee").

Class A television stations are accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 ("CBPA").¹ To qualify for Class A status, the CBPA provides that, during the 90 days preceding enactment of the statute, a low power television station must have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station; and (3) been in compliance with the Commission's rules for low power television stations.² Class A licensees must continue to meet these eligibility criteria in order to retain Class A status.³

In addition, beginning on the date of its application for a Class A license and thereafter, the CBPA requires that a station must be "in compliance with the Commission's operating rules for full-power television stations."⁴ In implementing the CBPA and establishing the Class A television service, the Commission applied to Class A licensees all Part 73 regulations except for those that could not apply for technical or other reasons. Among the Part 73 requirements that apply to Class A licensees are the Commission's main studio requirements.⁵ In order to qualify as a main studio, the designated location must house production equipment and be staffed by at least two full-time personnel in order to meet the

¹ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336.

² 47 U.S.C. § 336(f)(2)(A)(i).

³ 47 U.S.C. § 336(f)(1)(A)(ii); 47 C.F.R. § 73.6001(b).

⁴ 47 U.S.C. § 336(f)(2)(A)(ii).

⁵ *In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000) ("R & O"), Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8254-56 (2001) ("MO & O on Recon. With the exception of commonly controlled Class A stations whose contours are physically contiguous to each other, a Class A television station's main studio must be located within the station's predicted Grade B contour. See 47 C.F.R. § 73.1125(c).

needs and interests of the residents of the station's community of license.⁶ A Class A licensee must also maintain a local public inspection file at its main studio location which includes, *inter alia*, the station's authorization and copies of applications filed with the Commission and related materials; quarterly-based issue/programs lists; quarterly-filed FCC Form 398 (Children's Television Programming Report); letters and email from the public; and political and EEO files.⁷ In addition, a Class A licensee must place in its public file documentation sufficient to demonstrate that it is continuing to meet the on-going statutory eligibility requirement that it broadcast a minimum of 18 hours per day and an average of at least three hours per week of locally produced programming each quarter.⁸

The Licensee's chosen address of record for all five stations is the Cheyenne, Wyoming address shown above.⁹ The staff reviewed the BIA Kelsey Inc. Media Access Pro Television Database (BIA) as of February 21, 2012, which showed that BIA lists each of the station's mailing address and "physical address" as 1740 H Dell Range Blvd, # 198, Cheyenne, Wyoming, 82009-4946, which appears to be a UPS Store in Cheyenne.¹⁰ BIA further identifies Randolph Weigner as the General Manager of each station, which are located in California, Florida, Georgia and Pennsylvania.

In order to determine these stations' eligibility for Class A television status, the Licensee shall provide the following information for each station:

- 1) The street address and telephone number of each station's main studio, and the hours the designated main studio location is regularly open to the public.
- 2) A description of the production equipment maintained at the designated main studio location.
- 3) The names of the persons employed at the designated main studio location as station personnel since January 1, 2010, and their typical daily work schedule.
- 4) The street address of the location of the station's public inspection file; the hours during which the file is available for public inspection; and the name of the person with responsibility for providing access to the public file.
- 5) For all four quarters of 2010 and 2011, a copy of the station's quarterly issues/programs list with a statement giving the dates on which the lists were prepared and placed in the public inspection file.
- 6) A copy of the required public inspection file documentation demonstrating that the station broadcast a minimum of 18 hours of programming per day and an average of at least three hours per week of locally produced programming for all four quarters of 2010 and 2011, with a statement giving the dates on which the documentation was prepared and placed in the public inspection file.

⁶ See *Local One Texas, Ltd.*, 20 FCC Rcd 13251, nn. 4 and 5 (Med. Bur. 2005), citing *Jones Eastern of the Outerbanks, Inc.*, 7 FCC Rcd 6800 (1992), *Clarification of the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, 3 FCC Rcd 5024, 5026 (1988), and Instruction I.I.F to FCC Form 302-CA.

⁷ *R & O*, 15 FCC Rcd at 6366; see also 47 C.F.R. § 73.3526.

⁸ 47 C.F.R. § 73.3526(e)(17).

⁹ 1903 S. Greeley Highway is listed as the address of American Storage and Postal Services in Cheyenne. See <http://americanstorageonline.com/> (March 1, 2012).

¹⁰ See <http://www.theupsstorelocal.com/2192/> (March 1, 2012).

Your submission must be supported by the declaration of a person with personal knowledge of the facts,¹¹ and filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Barbara A. Kreisman, Chief, Video Division, Media Bureau, within 30 days of the date of this letter. An electronic copy should also be sent to joyce.bernstein@fcc.gov. **Failure to provide the requested information or request a change in station status¹² within 30 days from the date of the letter will result in further action, including potential loss of Class A television status.**

Sincerely,

A handwritten signature in black ink, appearing to read 'B A K', with a long horizontal flourish extending to the right.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Peter Tannenwald, Esq.

¹¹ See 47 C.F.R. § 1.16.

¹² See 47 C.F.R. § 73.6001(d).