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December 21, 2012

Via Electronic Mail
Shaleim Henry, Esq.
Video Division
Media Bureau
Federal Communications Commission
Washington, DC 20554

Re: WNCE-CD, Fac. ID 450, Glens Falls, NY

Dear Ms. Henry:

This is in response to your e-mail of December 13, concerning Station WNCE-CD, subject "3rd Follow-Up Letter Regarding WNCE-CD's Compliance with the Commission's Class A Television Rules."

Your e-mail addressed Children's Television Reports, two for 2008, three for 2009, and four for 2010. You said that the licensee "did not address the question of whether it timely placed those reports in its public inspection file."

The licensee did respond to that issue. In its letter of March 30, 2012, the licensee said:

"As to your request that I state exactly the date on which each report was placed in the public file, I can't do that, because there is no requirement that someone mark down the exact date that reports are placed in the file, and I don't have that kind of record. I just can't make an unqualified statement under penalty of perjury that I have personal knowledge of each and every date, because I don't have enough knowledge to swear to it, and of course I don't know anything about

Shaleim Henry, Esq.

Re: WNCE-CD's Compliance

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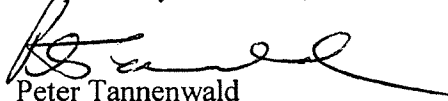
dates prior to my coming to work at the station in the fall of 2007. All I know is that the fact that the person in charge of the online filings did not do some of them on time does not mean that records were not placed in the public file on time, because he was not the person who maintained the public file."

You are now in effect asking the licensee to provide information it does not have and cannot provide in a statement under penalty of perjury. The Commission cannot force someone to state a fact that he has no objective way to verify, particularly where the person speaking would be held responsible for the accuracy of the statement through enforcement action if that statement ever proved to be inaccurate. I believe that an enforcement action based on presumed facts because no one had enough knowledge to swear otherwise would be difficult for the Commission to sustain were it subjected to judicial review.

The licensee has already spoken powerfully about the destructive impact that a forfeiture would have on a station struggling to provide ongoing local programming services to a community with no local full power television station.

The licensee continues to adhere to its position that under established Commission precedent, it is not responsible for anything prior to consummation of the most recent long form transfer of control on September 24, 2010.

Respectfully submitted,



Peter Tannenwald

Counsel for Northern Broadcasting Company