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For Immediate Release**MEDIA BUREAU REACHES SETTLEMENTS WITH SIX RADIO GROUP OWNERS OVER ONLINE POLITICAL FILES**

Companies Have Recently Demonstrated Substantial Compliance with Rules

WASHINGTON, July 22, 2020—The Federal Communications Commission’s Media Bureau today reached settlements with six major radio group owners that will ensure timely compliance with rules requiring that radio stations upload to their online public inspection files records of requests for the purchase of political broadcast time. The six group owners are: Alpha Media USA LLC; Beasley Media Group Licenses, LLC; Cumulus Media New Holdings Inc.; Entercom License, LLC; iHeartMedia, Inc.; and Salem Media Group, Inc. Collectively, these companies own and operate 1,884 commercial radio stations across the country.

“It is critical that information about political advertising is transparent to the public and candidates for office,” said Michelle Carey, Chief of the Media Bureau. “Adherence to the requirements in the consent decrees will ensure compliance with the online political file rules during this election year.”

Section 315(e)(3) of the Communications Act of 1934, as amended, requires stations to place information about each request for the purchase of broadcast time for all candidate-sponsored advertisements and certain issue advertisements in their political files for public inspection “as soon as possible.” Similarly, Section 73.1943(c) of the Commission’s rules requires information to be made available for public inspection “as soon as possible,” barring any unusual circumstances. These provisions are intended to ensure that the public has timely access to important information about political advertisements, such as the identity of the sponsoring organization. Additionally, it is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities.

The Media Bureau determined that the six group owners repeatedly failed to comply with their political file obligations in the past. The six group owners committed to adopting internal reforms and were able to demonstrate they had come into substantial compliance during the first quarter of 2020. Pursuant to the Consent Decrees, each of the companies will, among other things, implement strict compliance plans at each of their stations and submit detailed compliance reports to the Media Bureau through at least December 2021, confirming all information was timely uploaded to their online political files.

The Adopting Orders and Consent Decrees can be found on <https://www.fcc.gov>. The direct links are: [Alpha Media USA LLC](#); [Beasley Media Group Licenses, LLC](#); [Cumulus Media New Holdings Inc.](#); [Entercom License, LLC](#); [iHeartMedia, Inc.](#); and [Salem Media Group, Inc.](#)

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-E
)	
Salem Media Group, Inc.	)	FRN: 0005185103
)	
Licensee of Various Commercial Radio Stations)	
)	
)	

ORDER

Adopted: July 22, 2020**Released: July 22, 2020**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Federal Communications Commission (the Commission) and Salem Media Group, Inc. (Salem). The Consent Decree resolves the Commission's investigation into whether Salem violated section 315(e)(3) of the Communications Act of 1934, as amended (the Act), and section 73.1943(c) of the Commission's rules in connection with the timeliness of uploads of required information to the online political files of certain of its owned and operated radio stations. To resolve this matter, Salem agrees, among other things, to implement a comprehensive Compliance Plan and to provide periodic Compliance Reports to the Bureau.

2. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹ and political file obligations have been embodied in section 315(e) of the Act since 2002.² Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,³ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.⁴ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files "as soon as possible."⁵ Section 73.1943(a) of the Commission's Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,⁶ and section 73.1943(c) requires stations to upload such information to their online political files "as soon as possible," meaning "immediately absent unusual circumstances."⁷

¹ See 3 Fed. Reg. 1691 (1938).

² 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107-155, 116 Stat. 81 (2002).

³ 47 U.S.C. § 315(e)(1)(A).

⁴ 47 U.S.C. § 315(e)(1)(B).

⁵ 47 U.S.C. § 315(e)(3).

⁶ 47 CFR § 73.1943(a).

⁷ 47 CFR § 73.1943(c).

3. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act⁸ and present their positions to the public prior to an election.⁹ In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”¹⁰

4. Salem is the licensee of various commercial radio stations across the country. In February 2020, Salem voluntarily informed the Bureau that many of its stations had not uploaded records of requests for the purchase of political broadcast time in a timely manner. Salem’s disclosure was consistent with the information that it provided in multiple license renewal applications filed with the Commission during the current license renewal cycle.

5. Following discussions with Bureau staff earlier this year, Salem informally agreed to adopt a Best Practices Plan and to submit a Compliance Report to the Bureau covering a limited period of time. That Compliance Report revealed a significant improvement by Salem in complying with its political file obligations. Salem has now formally agreed to enter into the attached Consent Decree, pursuant to which Salem admits that it violated its political file obligations by not uploading required records in a timely manner. Salem further agrees to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Bureau.

6. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Salem’s compliance with section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

7. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission’s rules,¹¹ the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

8. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

9. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be served via electronic mail to Kathleen A. Kirby, Esq., Wiley Rein LLP, counsel for Salem Media Group, Inc., at kkirby@wiley.law.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

⁸ 47 U.S.C. § 315(a).

⁹ Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

¹⁰ *Id.* at 4543-44, para. 16.

¹¹ 47 CFR §§ 0.61(e), 0.283.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-E
)	
SALEM MEDIA GROUP, INC.	)	FRN: 0005185103
)	
Licensee of Various Commercial Radio Stations)	

CONSENT DECREE

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and Salem Media Group, Inc. (Salem), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation, as defined below, into Salem's compliance with section 315(e)(3) of the Communications Act of 1934, as amended,¹² and section 73.1943(c) of the Commission's rules,¹³ relating the maintenance of online political files. As set forth herein, to resolve this matter, Salem agrees, among other things, to implement a comprehensive Compliance Plan and provide periodic Compliance Reports to the Bureau.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:

- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
- (b) "Adopting Order" means an Order of the Media Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
- (c) "Bureau" or "Media Bureau" means the Media Bureau of the Commission.
- (d) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.
- (e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission.
- (f) "Compliance Officer" means the individual designated in Paragraph 12 of this Consent Decree as the person responsible for administration of the Compliance Plan.
- (g) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at Paragraph 13.
- (h) "Covered Employees" means all employees and agents of the Company who perform, supervise, oversee, or manage the performance of duties that relate to Salem's responsibilities under the Communications Laws, including the Political Programming and Record-Keeping Statutes and Rules.
- (i) "Effective Date" means the date by which both the Bureau and have signed the Consent Decree.

¹² 47 U.S.C. § 315(e)(3).

¹³ 47 CFR § 73.1943(c).

- (j) “Salem” or the “Company” means Salem Media Group, Inc. and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (k) “Salem Stations” means all broadcast stations of which Salem is or becomes the licensee during the term of this Consent Decree.
- (l) “Investigation” means the Bureau’s investigation regarding Salem’s compliance with the Political Programming and Record-Keeping Statutes and Rules.
- (m) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Salem to implement the Compliance Plan.
- (n) “Parties” means Salem and the Bureau, each of which is a “Party.”
- (o) “Political Programming and Record-Keeping Statutes and Rules” means 47 U.S.C. §§ 312(a)(7), 315, and 317; 47 CFR §§ 73.1212, 73.1940, 73.1941, 73.1942, 73.1943, 73.1944, and 73.3526; and other provisions of the Act, the Rules, and Commission orders related to political programming and record-keeping.
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹⁴ and political file obligations have been embodied in section 315(e) of the Act since 2002.¹⁵ Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,¹⁶ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.¹⁷ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”¹⁸ Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,¹⁹ and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”²⁰

4. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act²¹ and present their positions to the public prior to an election.²² In addition, as the Commission has stated, “the disclosures included in the political

¹⁴ See 3 Fed. Reg. 1691 (1938).

¹⁵ 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

¹⁶ 47 U.S.C. § 315(e)(1)(A).

¹⁷ 47 U.S.C. § 315(e)(1)(B).

¹⁸ 47 U.S.C. § 315(e)(3).

¹⁹ 47 CFR § 73.1943(a).

²⁰ 47 CFR § 73.1943(c).

²¹ 47 U.S.C. § 315(a).

²² Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each

(continued....)

file further the First Amendment's goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy."²³

5. Salem owns and operates 99 radio stations across the United States. In February 2020, Salem voluntarily informed the Bureau that many of its stations had not routinely been uploading records of requests for the purchase of political broadcast time in a timely manner. Salem's disclosure was consistent with the information that it had provided in multiple license renewal applications, the processing of which the Bureau decided to hold in abeyance pending the outcome of its investigation.²⁴ Following discussions with Bureau and Commission staff, Salem voluntarily agreed to adopt a Best Practices Plan and submit a Compliance Report to the Bureau covering the five week period spanning the last full week of February and all of March 2020. The Compliance Report that Salem submitted revealed a dramatic improvement by the Company in complying with its political file obligations.²⁵ Salem achieved a substantial level of compliance during the reporting period which coincided with the March 11, 2020, World Health Organization's classification of COVID-19 as a pandemic and the March 13, 2020, the Presidential declaration of a national emergency. We recognize that this period has placed the radio broadcast industry as a whole under significant financial stress from a dramatic reduction in advertising revenues. The Parties believe that Salem's voluntary disclosure and cooperation, combined with the exceptional circumstances brought about by the COVID-19 coronavirus pandemic, present a unique situation and, on balance, warrant resolution of the Bureau's investigation under the terms and conditions described below. It is in express consideration of these unique conditions that the Bureau, in the exercise of its prosecutorial discretion, forbears from including a civil penalty on the basis of the Salem Stations' noncompliance during their license terms as an element of the Bureau's agreement to enter this Consent Decree.

III. TERMS OF AGREEMENT

6. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

7. **Jurisdiction.** Salem agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

9. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process all license renewal applications filed by Salem during the current renewal cycle (ending on August 1, 2022) subject to ordinary Audio Division, Media Bureau procedures. In consideration for such, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that, in the absence of new material

(Continued from previous page) _____

"use" denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

²³ *Id.* at 4543-44, para. 16.

²⁴ To date, Salem has filed 36 license renewal applications during the current license renewal cycle. Of that number, Salem was able to certify compliance with its public file obligations in 2 (6%) of its applications. Most, if not all, were attributable to late-filed political records. The applications are listed in Appendix A.

²⁵ Based on its compliance report, Salem achieved approximately 92% compliance with its political file obligations during the five-week period.

evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against Salem concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.²⁶

10. **Admission of Liability.** Salem admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of Paragraph 9 herein, that the statements described in Paragraph 5 are true and that Salem failed to upload required information to its online political files in a timely manner and to otherwise maintain full and complete information in its political files, in repeated violation of section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

11. Salem acknowledges that the Commission or its delegated authority may use the facts which form the basis for this Consent Decree and its admission of liability in proposing any future sanctions against Salem in the event Salem is determined to have committed any violations of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to political programming and record keeping or otherwise.²⁷

12. **Compliance Officer.** To the extent it has not already done so, within thirty (30) calendar days after the Effective Date, the Company shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to Salem's Chief Executive Officer on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Political Programming and Record-Keeping Statutes and Rules prior to assuming his/her duties.

13. **Compliance Plan.** For purposes of settling the matters set forth herein, the Company agrees that it shall, within 90 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Political Programming and Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. The Compliance Plan must implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** The Compliance Plan shall include Operating Procedures that all Covered Employees must follow to help ensure the Company's compliance with the Political Programming and Record-Keeping Statutes and Rules. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that Salem Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that describes the

²⁶ See 47 CFR § 1.93(b).

²⁷ Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E).

steps that a Covered Employee must follow to ensure compliance with the Political Programming and Record-Keeping Statutes and Rules.

- (b) Compliance Manual. The Compliance Plan shall include a compliance manual that is distributed to all Covered Employees. Such distribution shall take place no later than 120 calendar days after the Effective Date. The compliance manual shall thoroughly explain the requirements embodied in the Political Programming and Record-Keeping Statutes and Rules, and it shall set forth the Operating Procedures (including the compliance checklist) that Covered Employees must follow to help ensure Salem's compliance with the Political Programming and Record-Keeping Statutes and Rules. The Company shall periodically review and revise the compliance manual as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Company shall distribute any revisions to the compliance manual promptly to all Covered Employees.
- (c) Compliance Training Program. The Compliance Plan shall include a compliance training program to provide periodic training to Covered Employees on compliance with the Political Programming and Record-Keeping Statutes and Rules. As part of the compliance training program, Covered Employees shall be advised of the Company's obligation to report any noncompliance with the Political Programming and Record-Keeping Statutes and Rules under Paragraph 13(f) of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 150 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Company shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- (d) Industry Education. The Company shall cooperate with the National Association of Broadcasters and state broadcast associations, as appropriate, by encouraging and promoting education and training with respect to the Political Record-Keeping Statutes and Rules for radio broadcasters, including small broadcasters or stations with limited resources.
- (e) Compliance Reports. Salem shall submit periodic compliance reports with the Bureau. The first compliance report shall be filed no later than December 10, 2020, and cover the 60-day period preceding the general election on November 3, 2020. A second compliance report shall be filed no later than December 10, 2021, and cover the 6-month period preceding the general election on November 2, 2021. The Bureau may, within its sole discretion, require Salem to submit more frequent or additional compliance reports.
 - i. Each compliance report shall include a spreadsheet and detailed description documenting the Company's efforts during the relevant period to comply with the Political Programming and Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. In addition, each compliance report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer has personal knowledge that the Company: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of

- noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in Paragraph 13(f) of this Consent Decree
- ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of the Rules,²⁸ and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
 - iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Bureau with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which such proposed remedial action will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
 - iv. Salem's Chief Executive Officer shall certify that he or she has reviewed each compliance report and that, based on his or her knowledge, the compliance report does not contain any untrue statement of a material fact, does not omit to state a material fact necessary to make the statements made therein, and is not misleading with respect to the period covered by the compliance report.
 - v. All compliance reports shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.
- (f) **Reporting Noncompliance.** The Company shall report any instance of noncompliance with the Political Programming and Record-Keeping Statutes and Rules, and any instance of noncompliance with the terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.

14. **Termination Date.** The requirements set forth in this Consent Decree shall terminate 60 days after the filing of the final compliance report referenced in Paragraph 13(e), provided the Bureau is satisfied that Salem has demonstrated substantial compliance with its political file obligations. If the Bureau is not satisfied that Salem has demonstrated substantial compliance with its political file obligations, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months. The Company acknowledges that the Bureau

²⁸ 47 CFR § 1.16.

retains the discretion and authority to propose sanctions against Company, including the issuance of notices of apparent liability for forfeitures, for any suspected or alleged noncompliance by Company with the Political Record-Keeping Statute and Rule that occurs during the term of this Consent Decree.

15. **Waivers.** As of the Effective Date, Salem waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may have under the Equal Access to Justice Act²⁹ relating to the matters addressed in this Consent Decree.

16. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

17. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

18. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or Order.

19. **Successors and Assigns.** Salem agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

20. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

21. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

22. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

23. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on

²⁹ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

24. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Michelle M. Carey
Chief, Media Bureau

Date

Christopher J. Henderson
Executive Vice President, General Counsel
Salem Media Group, Inc.

Date

Appendix A**License Renewal Applications**

Station	Facility ID	Community of License	Application for License Renewal File No.	Entity	Date Filed
WAVA(AM)	54465	Arlington, VA	0000096225	Salem Communications Holding Corporation	June 2019
WAVA-FM	4644	Arlington, VA	0000096222	Salem Communications Holding Corporation	June 2019
WRCW(AM)	53368	Warrenton	0000074381	Salem Communications Holding Corporation	June 2019
WWRC(AM)	11846	Bethesda	0000074393	Salem Communications Holding Corporation	June 2019
WGTK-FM	73296	Greenville, SC	0000096219	Salem Communications Holding Corporation	August 2019
WRTH(FM)	73241	Greer, SC	0000096217	Salem Communications Holding Corporation	August 2019
WLTE(FM)	170949	Pendleton, SC	0000096218	Salem Communications Holding Corporation	August 2019
WKAT(AM)	43034	Miami, FL	0000096214	Salem Communications Holding Corporation	October 2019
WLSS(AM)	59126	Sarasota, FL	0000096205	Salem Communications Holding Corporation	October 2019
WTBN(AM)	51985	Pinellas Park, FL	0000096202	Salem Communications Holding Corporation	October 2019
WGUL(AM)	1177	Dunedin, FL	0000096207	Salem Communications Holding Corporation	October 2019
WTWD(AM)	26145	Plant City, FL	0000106020	Salem Communications Holding Corporation	October 2019
WORL(AM)	48731	New Albany, FL	0000111244	Salem Communications Holding Corporation	October 2019
WTLN(AM)	23442	Orlando, FL	0000096209	Salem Communications Holding Corporation	October 2019

Station	Facility ID	Community of License	Application for License Renewal File No.	Entity	Date Filed
WNIV(AM)	23607	Atlanta, GA	0000106022	Salem Communications Holding Corporation	December 2019
WLTA(AM)	42660	Alpharetta, GA	0000106019	Salem Communications Holding Corporation	December 2019
WGKA(AM)	65976	Atlanta, GA	0000096197	Salem Communications Holding Corporation	December 2019
WFSH-FM	56390	Athens, GA	0000106018	Salem Communications Holding Corporation	December 2019
WDWD(AM)	8623	Atlanta, GA	0000106023	Salem Communications Holding Corporation	December 2019
WFIA-FM	48371	New Albany, IN	0000111244	Salem Communications Holding Corporation	April 2020
WGTK(AM)	63936	Louisville, KY	0000111246	Salem Communications Holding Corporation	April 2020
WFIA(AM)	55504	Louisville, KY	0000111241	Salem Media of Massachusetts, LLC	April 2020
WFFH(FM)	68347	Smyrna, TN	0000111256	Salem Communications Holding Corporation	April 2020
WFFI(FM)	18714	Kingston Springs, TN	0000111259	Salem Communications Holding Corporation	April 2020
WBOZ(FM)	15531	Woodbury, TN	0000111262	Reach Satellite Network, Inc.	April 2020
WDTK(AM)	68641	Detroit, MI	0000115512	Salem Communications Holding Corporation	June 2020
WLQV(AM)	42081	Detroit, MI	0000115647	Salem Communications Holding Corporation	June 2020
WRFD(AM)	58630	Columbus-Worthington	0000115637	Salem Media of Ohio, Inc.	June 2020
WTOH(FM)	73972	Upper Arlington, OH	0000115633	Salem Media of Ohio, Inc.	June 2020

Station	Facility ID	Community of License	Application for License Renewal File No.	Entity	Date Filed
WFHM-FM	54778	Cleveland, OH	0000115658	Salem Media of Massachusetts, Inc.	June 2020
WHK(AM)	72299	Cleveland, OH	0000115653	Salem Communications Holding Corporation	June 2020
WHKW(AM)	14772	Cleveland, OH	0000115655	Salem Communications Holding Corporation	June 2020
KDIS-FM	47309	Little Rock, AR	0000105196	Salem Communications Holding Corporation	June 2020
KDXE(FM)	49255	Cammack Village, AR	0000105184	Salem Communications Holding Corporation	June 2020
KKSP(FM)	39751	Bryant, AR	0000105197	Salem Communications Holding Corporation	June 2020
KZTS(AM)	665	North Little Rock, AR	0000105198	Salem Communications Holding Corporation	June 2020

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-D
)	
iHeartMedia, Inc.	)	FRN: 0019970417
)	
Licensee of Various Commercial Radio Stations)	
)	
)	

ORDER

Adopted: July 22, 2020**Released: July 22, 2020**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Federal Communications Commission (the Commission) and iHeartMedia, Inc. (iHeart). The Consent Decree resolves the Commission's investigation into whether iHeart violated section 315(e)(3) of the Communications Act of 1934, as amended (the Act), and section 73.1943(c) of the Commission's rules in connection with the timeliness of uploads of required information to the online political files of certain of its owned and operated radio stations. To resolve this matter, iHeart agrees, among other things, to implement a comprehensive Compliance Plan and to provide periodic Compliance Reports to the Bureau.

2. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹ and political file obligations have been embodied in section 315(e) of the Act since 2002.² Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,³ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.⁴ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files "as soon as possible."⁵ Section 73.1943(a) of the Commission's Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,⁶ and section 73.1943(c) requires stations to upload such information to their online political files "as soon as possible," meaning "immediately absent unusual circumstances."⁷

¹ See 3 Fed. Reg. 1691 (1938).

² 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107-155, 116 Stat. 81 (2002).

³ 47 U.S.C. § 315(e)(1)(A).

⁴ 47 U.S.C. § 315(e)(1)(B).

⁵ 47 U.S.C. § 315(e)(3).

⁶ 47 CFR § 73.1943(a).

⁷ 47 CFR § 73.1943(c).

3. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act⁸ and present their positions to the public prior to an election.⁹ In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”¹⁰

4. iHeart is the licensee of various commercial radio stations across the country. In February 2020, iHeart voluntarily informed the Bureau that many of its stations had not uploaded records of requests for the purchase of political broadcast time in a timely manner. iHeart’s disclosure was consistent with the information that it provided in multiple license renewal applications filed with the Commission during the current license renewal cycle.

5. Following discussions with Bureau staff earlier this year, iHeart informally agreed to adopt a Best Practices Plan and to submit a Compliance Report to the Bureau covering a limited period of time. That Compliance Report revealed a significant improvement by iHeart in complying with its political file obligations. iHeart has now formally agreed to enter into the attached Consent Decree, pursuant to which iHeart admits that it violated its political file obligations by not uploading required records in a timely manner. iHeart further agrees to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Bureau.

6. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding iHeart’s compliance with section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

7. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission’s rules,¹¹ the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

8. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

1. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be served via electronic mail to Kathleen A. Kirby, Esq., Wiley Rein LLP, counsel for iHeartMedia, Inc., at kkirby@wiley.law.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

⁸ 47 U.S.C. § 315(a).

⁹ Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

¹⁰ *Id.* at 4543-44, para. 16.

¹¹ 47 CFR §§ 0.61(e), 0.283.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-D
)	
IHEARTMEDIA, INC.	)	FRN: 0019970417
)	
Licensee of Various Commercial Radio Stations)	

CONSENT DECREE

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and iHeartMedia, Inc. (iHeart), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation, as defined below, into iHeart's compliance with section 315(e)(3) of the Communications Act of 1934, as amended,¹² and section 73.1943(c) of the Commission's rules,¹³ relating the maintenance of online political files. As set forth herein, to resolve this matter, iHeart agrees, among other things, to implement a comprehensive Compliance Plan and provide periodic Compliance Reports to the Bureau.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:

- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
- (b) "Adopting Order" means an Order of the Media Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
- (c) "Bureau" or "Media Bureau" means the Media Bureau of the Commission.
- (d) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.
- (e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission.
- (f) "Compliance Officer" means the individual designated in Paragraph 12 of this Consent Decree as the person responsible for administration of the Compliance Plan.
- (g) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at Paragraph 13.
- (h) "Covered Employees" means all employees and agents of the Company who perform, supervise, oversee, or manage the performance of duties that relate to iHeart's responsibilities under the Communications Laws, including the Political Programming and Record-Keeping Statutes and Rules.
- (i) "Effective Date" means the date by which both the Bureau and iHeart have signed the Consent Decree.

¹² 47 U.S.C. § 315(e)(3).

¹³ 47 CFR § 73.1943(c).

- (j) “iHeart” or the “Company” means iHeartMedia, Inc. and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (k) “iHeart Stations” means all broadcast stations of which iHeart is or becomes the licensee during the term of this Consent Decree.
- (l) “Investigation” means the Bureau’s investigation regarding iHeart’s compliance with the Political Programming and Record-Keeping Statutes and Rules.
- (m) “Operating Procedures” means the standard internal operating procedures and compliance policies established by iHeart to implement the Compliance Plan.
- (n) “Parties” means iHeart and the Bureau, each of which is a “Party.”
- (o) “Political Programming and Record-Keeping Statutes and Rules” means 47 U.S.C. §§ 312(a)(7), 315, and 317; 47 CFR §§ 73.1212, 73.1940, 73.1941, 73.1942, 73.1943, 73.1944, and 73.3526; and other provisions of the Act, the Rules, and Commission orders related to political programming and record-keeping.
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹⁴ and political file obligations have been embodied in section 315(e) of the Act since 2002.¹⁵ Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,¹⁶ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.¹⁷ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”¹⁸ Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,¹⁹ and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”²⁰

4. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act²¹ and present their positions to the public prior to an election.²² In addition, as the Commission has stated, “the disclosures included in the political

¹⁴ See 3 Fed. Reg. 1691 (1938).

¹⁵ 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

¹⁶ 47 U.S.C. § 315(e)(1)(A).

¹⁷ 47 U.S.C. § 315(e)(1)(B).

¹⁸ 47 U.S.C. § 315(e)(3).

¹⁹ 47 CFR § 73.1943(a).

²⁰ 47 CFR § 73.1943(c).

²¹ 47 U.S.C. § 315(a).

²² Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each

(continued....)

file further the First Amendment's goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy."²³

5. As of December 31, 2019, iHeart was the licensee of 856 radio stations in 160 markets.²⁴ In February 2020, iHeart voluntarily informed the Bureau that many of its stations had not routinely been uploading records of requests for the purchase of political broadcast time in a timely manner. iHeart's disclosure was consistent with the information that it had provided in multiple license renewal applications, the processing of which the Bureau decided to hold in abeyance pending the outcome of its investigation.²⁵ Following discussions with Bureau and Commission staff, iHeart voluntarily agreed to adopt a Best Practices Plan and submit a Compliance Report to the Bureau covering the five week period spanning the last full week of February and all of March 2020. The Compliance Report that iHeart submitted revealed a dramatic improvement by the Company in complying with its political file obligations.²⁶ iHeart achieved a substantial level of compliance during the reporting period which coincided with the March 11, 2020, World Health Organization's classification of COVID-19 as a pandemic and the March 13, 2020, the Presidential declaration of a national emergency. We recognize that this period has placed the radio broadcast industry as a whole under significant financial stress from a dramatic reduction in advertising revenues. The Parties believe that iHeart's voluntary disclosure and cooperation, combined with the exceptional circumstances brought about by the COVID-19 coronavirus pandemic, present a unique situation and, on balance, warrant resolution of the Bureau's investigation under the terms and conditions described below. It is in express consideration of these unique conditions that the Bureau, in the exercise of its prosecutorial discretion, forbears from including a civil penalty on the basis of the iHeart Stations' noncompliance during their license terms as an element of the Bureau's agreement to enter this Consent Decree.

III. TERMS OF AGREEMENT

6. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

7. **Jurisdiction.** iHeart agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

9. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process all license renewal applications filed by iHeart during the current renewal cycle (ending on August 1, 2022) subject to ordinary Audio

(Continued from previous page) _____

"use" denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

²³ *Id.* at 4543-44, para. 16.

²⁴ See <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001400891/973e2c8d-d919-466f-9b5c-2c137129c459.pdf> reviewed on May 12, 2020.

²⁵ To date, iHeart has filed 400 license renewal applications during the current license renewal cycle. Of that number, iHeart was able to certify compliance with its public file obligations in only 24 (6%) of its applications. Most, if not all, were attributable to late-filed political records. The applications are listed in Appendix A.

²⁶ Based on its compliance report, iHeart achieved more than 99% compliance with its political file obligations during the five-week period.

Division, Media Bureau procedures. In consideration for such, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against iHeart concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.²⁷

10. **Admission of Liability.** iHeart admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of Paragraph 9 herein, that the statements described in Paragraph are true and that iHeart failed to upload required information to its online political files in a timely manner and to otherwise maintain full and complete information in its political files, in repeated violation of section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

11. iHeart acknowledges that the Commission or its delegated authority may use the facts which form the basis for this Consent Decree and its admission of liability in proposing any future sanctions against iHeart in the event iHeart is determined to have committed any violations of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to political programming and record keeping or otherwise.²⁸

12. **Compliance Officer.** To the extent it has not already done so, within thirty (30) calendar days after the Effective Date, the Company shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to iHeart's Chief Executive Officer on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Political Programming and Record-Keeping Statutes and Rules prior to assuming his/her duties.

13. **Compliance Plan.** For purposes of settling the matters set forth herein, the Company agrees that it shall, within 90 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Political Programming and Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. The Compliance Plan must implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** The Compliance Plan shall include Operating Procedures that all Covered Employees must follow to help ensure the Company's compliance with the Political Programming and Record-Keeping Statutes and Rules. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that iHeart Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that describes the

²⁷ See 47 CFR § 1.93(b).

²⁸ Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E).

steps that a Covered Employee must follow to ensure compliance with the Political Programming and Record-Keeping Statutes and Rules.

- (b) Compliance Manual. The Compliance Plan shall include a compliance manual that is distributed to all Covered Employees. Such distribution shall take place no later than 120 calendar days after the Effective Date. The compliance manual shall thoroughly explain the requirements embodied in the Political Programming and Record-Keeping Statutes and Rules, and it shall set forth the Operating Procedures (including the compliance checklist) that Covered Employees must follow to help ensure iHeart's compliance with the Political Programming and Record-Keeping Statutes and Rules. The Company shall periodically review and revise the compliance manual as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Company shall distribute any revisions to the compliance manual promptly to all Covered Employees.
- (c) Compliance Training Program. The Compliance Plan shall include a compliance training program to provide periodic training to Covered Employees on compliance with the Political Programming and Record-Keeping Statutes and Rules. As part of the compliance training program, Covered Employees shall be advised of the Company's obligation to report any noncompliance with the Political Programming and Record-Keeping Statutes and Rules under Paragraph 13(f) of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 150 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Company shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- (d) Industry Education. The Company shall cooperate with the National Association of Broadcasters and state broadcast associations, as appropriate, by encouraging and promoting education and training with respect to the Political Record-Keeping Statutes and Rules for radio broadcasters, including small broadcasters or stations with limited resources.
- (e) Compliance Reports. iHeart shall submit periodic compliance reports with the Bureau. The first compliance report shall be filed no later than December 10, 2020, and cover the 60-day period preceding the general election on November 3, 2020. A second compliance report shall be filed no later than December 10, 2021, and cover the 6-month period preceding the general election on November 2, 2021. The Bureau may, within its sole discretion, require iHeart to submit more frequent or additional compliance reports.
 - i. Each compliance report shall include a spreadsheet and detailed description documenting the Company's efforts during the relevant period to comply with the Political Programming and Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. In addition, each compliance report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer has personal knowledge that the Company: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of

- noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in Paragraph 13(f) of this Consent Decree
- ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of the Rules,²⁹ and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
 - iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Bureau with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which such proposed remedial action will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
 - iv. iHeart's Chief Executive Officer shall certify that he or she has reviewed each compliance report and that, based on his or her knowledge, the compliance report does not contain any untrue statement of a material fact, does not omit to state a material fact necessary to make the statements made therein, and is not misleading with respect to the period covered by the compliance report.
 - v. All compliance reports shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.
- (f) **Reporting Noncompliance.** The Company shall report any instance of noncompliance with the Political Programming and Record-Keeping Statutes and Rules, and any instance of noncompliance with the terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.

14. **Termination Date.** The requirements set forth in this Consent Decree shall terminate 60 days after the filing of the final compliance report referenced in Paragraph 13(e), provided the Bureau is satisfied that iHeart has demonstrated substantial compliance with its political file obligations. If the Bureau is not satisfied that iHeart has demonstrated substantial compliance with its political file obligations, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months. The Company acknowledges that the Bureau

²⁹ 47 CFR § 1.16.

retains the discretion and authority to propose sanctions against Company, including the issuance of notices of apparent liability for forfeitures, for any suspected or alleged noncompliance by Company with the Political Record-Keeping Statute and Rule that occurs during the term of this Consent Decree.

15. **Waivers.** As of the Effective Date, iHeart waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may have under the Equal Access to Justice Act³⁰ relating to the matters addressed in this Consent Decree.

16. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

17. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

18. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or Order.

19. **Successors and Assigns.** iHeart agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

20. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

21. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

22. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

23. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on

³⁰ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

24. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Michelle M. Carey
Chief, Media Bureau

Date

Paul McNicol
Executive Vice President and General Counsel
iHeartMedia, Inc.

Date

Appendix A

Station Call Sign	Community of License	Application for License Renewal File No.
WACL	ELKTON, VA	0000074180
WASH	WASHINGTON, DC	0000074178
WAZR	WOODSTOCK, VA	0000074183
WBIG-FM	WASHINGTON, DC	0000074175
WCAO	BALTIMORE, MD	0000073877
WJDY	SALISBURY, MD	0000073922
WJJS	SALEM, VA	0000074194
WJJX	APPOMATTOX, VA	0000074191
WKCI	WAYNESBORO, VA	0000074185
WKCY	HARRISONBURG, VA	0000074181
WKCY-FM	HARRISONBURG, VA	0000074182
WKDW	STAUNTON, VA	0000074186
WKZP	WEST OCEAN CITY, MD	0000073915
WNOH	WINDSOR, VA	0000074351
WQHQ	OCEAN CITY-SALISBURY, MD	0000073919
WQSR	BALTIMORE, MD	0000073882
WROV-FM	MARTINSVILLE, VA	0000074192
WSTV	ROANOKE, VA	0000074193
WTGM	SALISBURY, MD	0000073921
WWDC	WASHINGTON, DC	0000074179
WWFG	OCEAN CITY, MD	0000073917
WYYD	AMHERST, VA	0000095857
WZFT	BALTIMORE, MD	0000073884
WZWB	KENOVA, WV	0000073850
KDJE	JACKSONVILLE, AR	0000104091
KEZA	FAYETTEVILLE, AR	0000103824
KHKN	MAUMELLE, AR	0000104108
KJMS	OLIVE BRANCH, MS	0000105142
KKIX	FAYETTEVILLE, AR	0000103867
KMAG	FORT SMITH, AR	0000104773
KMJX	CONWAY, AR	0000104096
KMXF	LOWELL, AR	0000103871
KRVE	BRUSLY, LA	0000105191
KSSN	LITTLE ROCK, AR	0000104103
KVDU	HOUMA, LA	0000104948
KWHN	FORT SMITH, AR	0000104775
KWNW	CRAWFORDSVILLE, AR	0000105179

Station Call Sign	Community of License	Application for License Renewal File No.
WAAX	GADSDEN, AL	0000095605
WACT	TUSCALOOSA, AL	0000095891
WAEV	SAVANNAH, GA	0000095883
WAGH	SMITHS, AL	0000095515
WAKS	AKRON, OH	0000115056
WAMX	MILTON, WV	0000095620
WAMZ	LOUISVILLE, KY	0000110304
WARF	AKRON, OH	0000114659
WAVW	STUART, FL	0000095579
WBBB	WHEELING, WV	0000095905
WBBG	NILES, OH	0000114634
WBBQ-FM	AUGUSTA, GA	0000095549
WBCG	MURDOCK, FL	0000095496
WBCT	GRAND RAPIDS, MI	0000115463
WBEX	CHILLICOTHE, OH	0000114919
WBFX	GRAND RAPIDS, MI	0000115466
WBGA	BRUNSWICK, GA	0000095259
WBGG-FM	FORT LAUDERDALE, FL	0000096392
WBHP	HUNTSVILLE, AL	0000095629
WBIN	ATLANTA, GA	0000096012
WBKS	COLUMBUS GROVE, OH	0000114561
WBTP	CLEARWATER, FL	0000096441
WBTT	NAPLES PARK, FL	0000096115
WBUL-FM	LEXINGTON, KY	0000110792
WBUV	MOSS POINT, MS	0000102712
WBVB	COAL GROVE, OH	0000115417
WBZT	WEST PALM BEACH, FL	0000095901
WBZW	UNION CITY, GA	0000105087
WBZY	CANTON, GA	0000095507
WCCF	PUNTA GORDA, FL	0000096053
WCHD	KETTERING, OH	0000114786
WCHI	CHILLICOTHE, OH	0000114883
WCHO	WASHINGTON COURT HOU, OH	0000114922
WCHO-FM	WASHINGTON COURT HOU, OH	0000114924
WCJM-FM	WEST POINT, GA	0000095254
WCKT	LEHIGH ACRES, FL	0000096116
WCKY	CINCINNATI, OH	0000115398
WCKY-FM	PEMBERVILLE, OH	0000114944
WCOH	NEWNAN, GA	0000096052
WCOL-FM	COLUMBUS, OH	0000114838

Station Call Sign	Community of License	Application for License Renewal File No.
WCOS	COLUMBIA, SC	0000095568
WCOS-FM	COLUMBIA, SC	0000095570
WCTQ	VENICE, FL	0000096079
WCVU	SOLANA, FL	0000096055
WCWA	TOLEDO, OH	0000114947
WCZR	VERO BEACH, FL	0000095581
WDAE	ST. PETERSBURG, FL	0000096439
WDAK	COLUMBUS, GA	0000095523
WDAR-FM	DARLINGTON, SC	0000095183
WDCG	DURHAM, NC	0000095640
WDDV	PANAMA CITY, FL	0000096414
WDFM	DEFIANCE, OH	0000115330
WDFN	DETROIT, MI	0000114569
WDIA	MEMPHIS, TN	0000110142
WDIZ	VENICE, FL	0000105089
WDMX	VIENNA, WV	0000095463
WDRM	DECATUR, AL	0000095627
WDSC	DILLON, SC	0000095175
WDXB	PELHAM, AL	0000095553
WEBN	CINCINNATI, OH	0000115401
WEBZ	MEXICO BEACH, FL	0000096416
WEGR	ARLINGTON, TN	0000110153
WEGW	WHEELING, WV	0000095910
WEGX	DILLON, SC	0000095186
WEND	SALISBURY, NC	0000095560
WERC	BIRMINGHAM, AL	0000095552
WERC-FM	HOOVER, AL	0000095558
WESC	GREENVILLE, SC	0000096128
WESC-FM	GREENVILLE, SC	0000096129
WESE	BALDWYN, MS	0000103618
WEZL	CHARLESTON, SC	0000096037
WFBQ	INDIANAPOLIS, IN	0000110582
WFFX	HATTIESBURG, MS	0000102634
WFKS	MELBOURNE, FL	0000095632
WFLA	TAMPA, FL	0000096085
WFLA-FM	MIDWAY, FL	0000096428
WFLF	PINE HILLS, FL	0000096403
WFLF-FM	PARKER, FL	0000096417
WFLZ-FM	TAMPA, FL	0000096089
WFMF	BATON ROUGE, LA	0000105181
WFQX	FRONT ROYAL, VA	0000095990

Station Call Sign	Community of License	Application for License Renewal File No.
WFSY	PANAMA CITY, FL	0000096418
WFUS	GULFPORT, FL	0000096091
WFXJ	JACKSONVILLE, FL	0000096376
WFXN-FM	GALION, OH	0000115070
WGAR-FM	CLEVELAND, OH	0000115007
WGEX	BAINBRIDGE, GA	0000095501
WGIG	BRUNSWICK, GA	0000095265
WGMY	THOMASVILLE, GA	0000095544
WGMZ	GLENCOE, AL	0000095601
WGST	HOGANSVILLE, GA	0000096049
WGSY	PHENIX CITY/COLUMBUS, AL	0000095532
WGTR	BUCKSPORT, SC	0000095221
WGVL	GREENVILLE, SC	0000095612
WHAL-FM	HORN LAKE, MS	0000105155
WHAS	LOUISVILLE, KY	0000110248
WHBT-FM	MOYOCK, NC	0000095470
WHFX	DARIEN, GA	0000095262
WHLH	JACKSON, MS	0000104612
WHLK	CLEVELAND, OH	0000115015
WHLO	AKRON, OH	0000114666
WHLW	LUVERNE, AL	0000095635
WHNZ	TAMPA, FL	0000096087
WHOF	NORTH CANTON, OH	0000114670
WHOS	DECATUR, AL	0000095626
WHQC	SHELBY, NC	0000096111
WHRK	MEMPHIS, TN	0000110157
WHTY	PHENIX CITY, AL	0000095530
WHYI-FM	FORT LAUDERDALE, FL	0000096393
WIBB-FM	FORT VALLEY, GA	0000095282
WIHB	MACON, GA	0000095277
WIHB-FM	GRAY, GA	0000095280
WIHT	WASHINGTON, DC	0000095132
WIKX	CHARLOTTE HARBOR, FL	0000096057
WIMA	LIMA, OH	0000114562
WIMT	LIMA, OH	0000114563
WINZ	MIAMI, FL	0000096385
WIOD	MIAMI, FL	0000096391
WIOT	TOLEDO, OH	0000114980
WIZE	SPRINGFIELD, OH	0000114788
WJBO	BATON ROUGE, LA	0000105186
WJBT	CALLAHAN, FL	0000096380

Station Call Sign	Community of License	Application for License Renewal File No.
WJDX	JACKSON, MS	0000104610
WJDX-FM	KOSCIUSKO, MS	0000104607
WJIZ-FM	ALBANY, GA	0000095499
WJKX	ELLISVILLE, MS	0000102594
WJLB	DETROIT, MI	0000114581
WJMX	DARLINGTON, SC	0000095178
WJMX-FM	CHERAW, SC	0000095190
WJNO	WEST PALM BEACH, FL	0000096445
WJQQ	SOMERSET, KY	0000110676
WJRR	COCOA BEACH, FL	0000096406
WJYZ	ALBANY, GA	0000095505
WKBN	YOUNGSTOWN, OH	0000114636
WKBZ	MUSKEGON, MI	0000115496
WKDD	MUNROE FALLS, OH	0000114648
WKEE-FM	HUNTINGTON, WV	0000095621
WKFS	MILFORD, OH	0000115402
WKGR	WELLINGTON, FL	0000096446
WKII	SOLANA, FL	0000096423
WKJK	LOUISVILLE, KY	0000110266
WKKJ	CHILLICOTHE, OH	0000114886
WKKR	AUBURN, AL	0000095247
WKKT	STATESVILLE, NC	0000095561
WKMQ	TUPELO, MS	0000103058
WKNN-FM	PASCAGOULA, MS	0000102719
WKQI	DETROIT, MI	0000114587
WKQQ	WINCHESTER, KY	0000110742
WKRC	CINCINNATI, OH	0000115403
WKRD	LOUISVILLE, KY	0000110283
WKSF	OLD FORT, NC	0000105042
WKSI-FM	STEPHENS CITY, VA	0000095164
WKSJ-FM	MOBILE, AL	0000095543
WKSL	NEPTUNE BEACH, FL	0000096383
WKSP	AIKEN, SC	0000095545
WKWK-FM	WHEELING, WV	0000095987
WLAC	NASHVILLE, TN	0000111186
WLAP	LEXINGTON, KY	0000110788
WLDI	JUNO BEACH, FL	0000096448
WLKO	HICKORY, NC	0000095562
WLKT	LEXINGTON-FAYETTE, KY	0000110723
WLLK-FM	SOMERSET, KY	0000110681
WLLZ	DETROIT, MI	0000114590

Station Call Sign	Community of License	Application for License Renewal File No.
WLQB	OCEAN ISLE BEACH, NC	0000095225
WLRQ-FM	COCOA, FL	0000095633
WLTP	MARIETTA, OH	0000114465
WLTU	CAYCE, SC	0000095571
WLUB	AUGUSTA, GA	0000095550
WLVH	HARDEEVILLE, SC	0000095861
WLW	CINCINNATI, OH	0000115405
WMAG	HIGH POINT, NC	0000095606
WMAN	MANSFIELD, OH	0000115073
WMAN-FM	FREDERICKTOWN, OH	0000115078
WMAX-FM	HOLLAND, MI	0000115468
WMGE	DRY BRANCH, GA	0000095278
WMGF	MOUNT DORA, FL	0000096407
WMGP	HOGANSVILLE, GA	0000096048
WMIA-FM	MIAMI BEACH, FL	0000096395
WMIB	FORT LAUDERDALE, FL	0000096396
WMJI	CLEVELAND, OH	0000115030
WMJJ	BIRMINGHAM, AL	0000095551
WMJY	BILOXI, MS	0000102722
WMKS	HIGH POINT, NC	0000095609
WMLX	ST. MARYS, OH	0000114564
WMMB	MELBOURNE, FL	0000095630
WMMS	CLEVELAND, OH	0000115045
WMMV	COCOA, FL	0000095631
WMMX	DAYTON, OH	0000114790
WMOV-FM	NORFOLK, VA	0000095443
WMRE	CHARLES TOWN, WV	0000095151
WMRN	MARION, OH	0000115272
WMRN-FM	MARION, OH	0000115273
WMRR	MUSKEGON HEIGHTS, MI	0000115505
WMRZ	DAWSON, GA	0000095504
WMSI-FM	JACKSON, MS	0000104611
WMTX	TAMPA, FL	0000096093
WMUS	MUSKEGON, MI	0000115507
WMXA	OPELIKA, AL	0000095252
WMXC	MOBILE, AL	0000095540
WMXD	DETROIT, MI	0000114592
WMXF	WAYNESVILLE, NC	0000105079
WMXL	LEXINGTON, KY	0000110786
WMXY	YOUNGSTOWN, OH	0000114639
WMYI	HENDERSONVILLE, NC	0000095613

Station Call Sign	Community of License	Application for License Renewal File No.
WMZQ-FM	WASHINGTON, DC	0000095148
WNCB	CARY, NC	0000095641
WNCD	YOUNGSTOWN, OH	0000114641
WNCI	COLUMBUS, OH	0000114844
WNCO	ASHLAND, OH	0000115082
WNCO-FM	ASHLAND, OH	0000115089
WNDE	INDIANAPOLIS, IN	0000110573
WNDH	NAPOLEON, OH	0000115334
WNIC	DEARBORN, MI	0000114595
WNIO	YOUNGSTOWN, OH	0000114643
WNOE-FM	NEW ORLEANS, LA	0000104965
WNOK	COLUMBIA, SC	0000095574
WNRQ	NASHVILLE, TN	0000111191
WNRW	PROSPECT, KY	0000110325
WNSL	LAUREL, MS	0000102613
WNTM	MOBILE, AL	0000095539
WNUS	BELPRE, OH	0000114466
WOBB	TIFTON, GA	0000095503
WODC	ASHVILLE, OH	0000114869
WODT	NEW ORLEANS, LA	0000104940
WOLL	HOBE SOUND, FL	0000096450
WOLT	INDIANAPOLIS, IN	0000110599
WOLZ	FORT MYERS, FL	0000096119
WONE	DAYTON, OH	0000114794
WONW	DEFIANCE, OH	0000115336
WOOD	GRAND RAPIDS, MI	0000115474
WOOD-FM	MUSKEGON, MI	0000115510
WOVK	WHEELING, WV	0000095988
WOWI	NORFOLK, VA	0000095450
WPAP	PANAMA CITY, FL	0000096420
WPCH	WEST POINT, GA	0000095255
WPEK	FAIRVIEW, NC	0000105058
WPOC	BALTIMORE, MD	0000096030
WPRW-FM	MARTINEZ, GA	0000095546
WPTI	EDEN, NC	0000096122
WQBT	SAVANNAH, GA	0000095880
WQBZ	FORT VALLEY, GA	0000095281
WQEN	TRUSSVILLE, AL	0000095556
WQGA	WAYCROSS, GA	0000095266
WQIK-FM	JACKSONVILLE, FL	0000096043
WQLX	CHILLICOTHE, OH	0000114905

Station Call Sign	Community of License	Application for License Renewal File No.
WQMF	JEFFERSONVILLE, IN	0000110334
WQNQ	FLETCHER, NC	0000105078
WQNS	WOODFIN, NC	0000096107
WQOL	VERO BEACH, FL	0000095584
WQRV	MERIDIANVILLE, AL	0000095534
WQUE-FM	NEW ORLEANS, LA	0000104926
WQYZ	OCEAN SPRINGS, MS	0000102724
WRBV	WARNER ROBINS, GA	0000095283
WRDG	BOWDON, GA	0000095510
WRDU	WAKE FOREST, NC	0000095644
WREC	MEMPHIS, TN	0000110146
WRFQ	MOUNT PLEASANT, SC	0000096039
WRFX	KANNAPOLIS, NC	0000095565
WRGV	PENSACOLA, FL	0000096399
WRKH	MOBILE, AL	0000095541
WRLX	RIVIERA BEACH, FL	0000096121
WRNO-FM	NEW ORLEANS, LA	0000104956
WROO	MAULDIN, SC	0000096131
WRQK-FM	CANTON, OH	0000114663
WRTR	BROOKWOOD, AL	0000095894
WRUB	SARASOTA, FL	0000096082
WRUM	ORLANDO, FL	0000096409
WRVB	MARIETTA, OH	0000114469
WRVF	TOLEDO, OH	0000114982
WRVW	LEBANON, TN	0000111196
WRXZ	BRIARCLIFF ACRES, SC	0000095226
WRZE	KINGSTREE, SC	0000095193
WSAI	CINCINNATI, OH	0000115407
WSBY-FM	SALISBURY, MD	0000095860
WSCC-FM	GOOSE CREEK, SC	0000096108
WSDF	LOUISVILLE, KY	0000110343
WSDV	SARASOTA, FL	0000096058
WSEK	BURNSIDE, KY	0000110647
WSEK-FM	BURNSIDE, KY	0000110639
WSFC	SOMERSET, KY	0000110652
WSIX-FM	NASHVILLE, TN	0000111200
WSNX-FM	MUSKEGON, MI	0000115478
WSOK	SAVANNAH, GA	0000095878
WSOL-FM	YULEE, FL	0000096046
WSPD	TOLEDO, OH	0000114989
WSRW	HILLSBORO, OH	0000114907

Station Call Sign	Community of License	Application for License Renewal File No.
WSRW-FM	GRAND RAPIDS, MI	0000115480
WSRZ-FM	CORAL COVE, FL	0000096083
WSSL-FM	GRAY COURT, SC	0000095614
WSTRH-FM	ALEXANDER CITY, AL	0000095521
WSTZ-FM	VICKSBURG, MS	0000104608
WSVO	STAUNTON, VA	0000074187
WSWR	SHELBY, OH	0000115091
WTAK-FM	HARTSELLE, AL	0000095624
WTAM	CLEVELAND, OH	0000115048
WTCR-FM	HUNTINGTON, WV	0000095622
WTFX-FM	CLARKSVILLE, IN	0000110340
WTKG	GRAND RAPIDS, MI	0000115489
WTKK	KNIGHTDALE, NC	0000095645
WTKS	SAVANNAH, GA	0000095876
WTKS-FM	COCOA BEACH, FL	0000096412
WTKX-FM	PENSACOLA, FL	0000096401
WTLM	OPELIKA, AL	0000095251
WTLY	TALLAHASSEE, FL	0000096425
WTNT-FM	TALLAHASSEE, FL	0000096431
WTQR	WINSTON-SALEM, NC	0000096123
WTUE	DAYTON, OH	0000114796
WTUP	TUPELO, MS	0000103635
WTUP-FM	GUNTOWN, MS	0000103698
WTVN	COLUMBUS, OH	0000114846
WTXT	FAYETTE, AL	0000095896
WTZB	ENGLEWOOD, FL	0000096084
WUBL	ATLANTA, GA	0000096024
WUBT	RUSSELLVILLE, KY	0000111203
WUSQ-FM	WINCHESTER, VA	0000095992
WVBZ	CLEMMONS, NC	0000096125
WVHU	HUNTINGTON, WV	0000095616
WVKF	SHADYSIDE, OH	0000115342
WVKS	TOLEDO, OH	0000114991
WVOC	COLUMBIA, SC	0000095569
WVRK	COLUMBUS, GA	0000095511
WWJK	GREEN COVE SPRINGS, FL	0000096384
WWKZ	OKOLONA, MS	0000103039
WWMG	MILLBROOK, AL	0000095639
WWNC	ASHEVILLE, NC	0000105049
WWPW	ATLANTA, GA	0000095997
WWRK	FLORENCE, SC	0000095180

Station Call Sign	Community of License	Application for License Renewal File No.
WWTF	GEORGETOWN, KY	0000110736
WWVA	WHEELING, WV	0000095907
WWXM	GARDEN CITY, SC	0000095229
WWZD-FM	NEW ALBANY, MS	0000103649
WXBTV	WEST COLUMBIA, SC	0000095576
WXLY	NORTH CHARLESTON, SC	0000096040
WXSX	QUINCY, FL	0000096435
WXTB	CLEARWATER, FL	0000096098
WXXF	LOUDONVILLE, OH	0000115092
WXXL	TAVARES, FL	0000095243
WXZX	HILLIARD, OH	0000114851
WYGM	ORLANDO, FL	0000096405
WYHT	MANSFIELD, OH	0000115096
WYKZ	BEAUFORT, SC	0000095862
WYLD	NEW ORLEANS, LA	0000104972
WYLD-FM	NEW ORLEANS, LA	0000104945
WYNA	CALABASH, NC	0000095234
WYNF	AUGUSTA, GA	0000095547
WYNK-FM	BATON ROUGE, LA	0000105195
WYNR	WAYCROSS, GA	0000095263
WYNT	CALEDONIA, OH	0000115274
WYTS	COLUMBUS, OH	0000114858
WZBQ	CARROLLTON, AL	0000095899
WZCB	DUBLIN, OH	0000114805
WZDA	BEAVERCREEK, OH	0000114798
WZHT	TROY, AL	0000095636
WZJZ	PORT CHARLOTTE, FL	0000096120
WZLD	PETAL, MS	0000102672
WZMG	PEPPERELL, AL	0000095244
WZOM	DEFIANCE, OH	0000115339
WZRL	PLAINFIELD, IN	0000110610
WZRX-FM	FORT SHAWNEE, OH	0000114565
WZTA	VERO BEACH, FL	0000095578
WZTF	SCRANTON, SC	0000095208
WZTU	MIAMI BEACH, FL	0000096397
WZZR	WEST PALM BEACH, FL	0000095904

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-01282019
	)	FRN: 0004434866
Entercom License, LLC)	
)	
Licensee of Various Commercial Radio Stations)	

ORDER

Adopted: July 22, 2020**Released: July 22, 2020**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Federal Communications Commission (the Commission) and Entercom License, LLC (Entercom). The Consent Decree resolves the Commission's investigation into whether Entercom violated section 315(e)(3) of the Communications Act of 1934, as amended (the Act), and section 73.1943(c) of the Commission's rules in connection with the timeliness of uploads of required information to the online political files of certain Entercom-owned and operated radio stations. To resolve this matter, Entercom agrees, among other things, to implement a comprehensive Compliance Plan and to provide periodic Compliance Reports to the Bureau.

2. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹ and political file obligations have been embodied in section 315(e) of the Act since 2002.² Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,³ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.⁴ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files "as soon as possible."⁵ Section 73.1943(a) of the Commission's rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,⁶ and section 73.1943(c) requires stations to upload such information to their online political files "as soon as possible," meaning "immediately absent unusual circumstances."⁷

¹ See 3 Fed. Reg. 1691 (1938).

² 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107-155, 116 Stat. 81 (2002).

³ 47 U.S.C. § 315(e)(1)(A).

⁴ 47 U.S.C. § 315(e)(1)(B).

⁵ 47 U.S.C. § 315(e)(3).

⁶ 47 CFR § 73.1943(a).

⁷ 47 CFR § 73.1943(c).

3. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act⁸ and present their positions to the public prior to an election.⁹ In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”¹⁰

4. Entercom is the licensee of 234 commercial radio stations across the country. An investigation by the Bureau of Entercom’s online political files covering the 2018 calendar year revealed non-compliance at 196 of its stations in 47 markets. Entercom also was unable to certify compliance with its political file obligations in multiple license renewal applications filed in the current license renewal cycle.

5. Following discussions with Bureau staff earlier this year, Entercom informally agreed to adopt a Best Practices Plan and to submit a Compliance Report to the Bureau covering a limited period of time. That Compliance Report revealed a significant improvement by the Company in complying with its political file obligations. Entercom has now formally agreed to enter into the attached Consent Decree, pursuant to which Entercom admits that it repeatedly violated its political file obligations by not uploading required records in a timely manner. Entercom further agrees to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Bureau.

6. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Entercom’s compliance with section 315(e)(3) of the Act and section 73.1943(c) of the rules.

7. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission’s rules,¹¹ the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

8. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

9. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be served via electronic mail to Jennifer Tatel, Esq., Wilkinson Barker Knauer, LLP, counsel for Entercom License, LLC, at jtatel@wbklaw.com.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey

⁸ 47 U.S.C. § 315(a).

⁹ Pursuant to section 73.1941(c) of the rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

¹⁰ *Id.* at 4543-44, para. 16.

¹¹ 47 CFR §§ 0.61(e), 0.283.

Chief, Media Bureau

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-01282019
	)	FRN: 0004434866
ENTERCOM LICENSE, LLC)	
)	
Licensee of Various Commercial Radio Stations)	

CONSENT DECREE

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and Entercom License, LLC (Entercom), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation, as defined below, into whether Entercom violated section 315(e)(3) of the Communications Act of 1934, as amended,¹² and section 73.1943(c) of the Commission's rules¹³ in connection with the timeliness of uploads of required information to the online political files of the Entercom-owned and operated radio stations identified in Appendix A to this Consent Decree. As set forth herein, to resolve this matter, Entercom agrees, among other things, to implement a comprehensive Compliance Plan and provide periodic Compliance Reports to the Bureau.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
 - (b) "Adopting Order" means an Order of the Media Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Bureau" or "Media Bureau" means the Media Bureau of the Commission.
 - (d) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.
 - (e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission.
 - (f) "Compliance Officer" means the individual designated in Paragraph 14 of this Consent Decree as the person responsible for administration of the Compliance Plan.
 - (g) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at Paragraph 15.
 - (h) "Covered Employees" means all employees and agents of the Company whose responsibilities include performing, or supervising, overseeing, or managing the performance of duties that relate to Entercom's responsibilities under the Political File Statute and Rule.

¹² 47 U.S.C. § 315(e)(3).

¹³ 47 CFR § 73.1943(c).

- (i) “Effective Date” means the date by which both the Bureau and Entercom have signed the Consent Decree.
- (j) “Entercom” or the “Company” means Entercom License, LLC, and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (k) “Entercom Stations” means all broadcast stations of which Entercom is or becomes the licensee during the term of this Consent Decree.
- (l) “Investigation” means the Bureau’s investigation in case No. MB/POL-01282019 regarding whether Entercom violated the Political File Statute and Rule.
- (m) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Entercom to help ensure compliance with the Political File Statute and Rule.
- (n) “Parties” means Entercom and the Bureau, each of which is a “Party.”
- (o) “Political File Statute and Rule” means 47 U.S.C. § 315(e)(3), 47 CFR § 73.1943(c) and § 73.3526(e)(6).
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹⁴ and political file obligations have been embodied in section 315(e) of the Act since 2002.¹⁵ Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,¹⁶ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.¹⁷ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”¹⁸ Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,¹⁹ and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”²⁰

4. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act²¹ and present their positions to the public

¹⁴ See 3 Fed. Reg. 1691 (1938).

¹⁵ 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

¹⁶ 47 U.S.C. §§ 315(e)(1)(A).

¹⁷ 47 U.S.C. §§ 315(e)(1)(B).

¹⁸ 47 U.S.C. § 315(e)(3).

¹⁹ 47 CFR § 73.1943(a).

²⁰ 47 CFR § 73.1943(c).

²¹ 47 U.S.C. § 315(a).

prior to an election.²² In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”²³

5. Entercom currently is the licensee of 234 commercial radio stations in 47 markets across the country. It is one of the country’s largest radio broadcasters. Its parent company, Entercom Communications Corp., is a publicly-traded corporation listed on the New York Stock Exchange (NYSE: ETM).

6. In December 2018, the Bureau received a written complaint from an individual who alleged that three radio stations in Buffalo, New York, of which Entercom is the licensee, had charged a federal candidate more than the lowest unit charge for the purchase of political broadcast time during the period leading up to the November 2018 midterm election, in violation of section 315(b) of the Act.²⁴ In the course of the Bureau’s investigation, staff examined the online political files of the three Buffalo stations to which information about such charges, among other things, should have been uploaded. That examination revealed that no records had been uploaded in the online political files of the three stations during the year 2018, despite the fact that the 2018 midterm elections had been held earlier in the year and it was reasonable to assume that the stations had broadcast at least some candidate-related advertising during the period leading up to the elections. Accordingly, the Bureau commenced its investigation, which, based on information subsequently provided by the Company, eventually came to encompass an examination of the political files of all Entercom Stations. That examination led the Bureau to conclude, among other things, that of the 234 stations of which Entercom is the licensee, 196 were non-compliant with their political file obligations. That information was consistent with the information that Entercom provided in multiple license renewal applications, the processing of which the Bureau decided to hold in abeyance pending the outcome of its investigation.²⁵

7. Following discussions with Bureau and Commission staff, Entercom voluntarily agreed to adopt a Best Practices Plan and submit a Compliance Report to the Bureau covering the five-week period spanning the last full week of February and all of March 2020. The Compliance Report that Entercom submitted revealed a dramatic improvement by the Company in complying with its political file obligations.²⁶ Entercom achieved a substantial level of compliance during the reporting period which coincided with the March 11, 2020, World Health Organization’s classification of COVID-19 as a pandemic and the March 13, 2020, the Presidential declaration of a national emergency. The Bureau recognizes that this period has placed the radio broadcast industry as a whole under significant financial stress from a dramatic reduction in advertising revenues. The Bureau believes that Entercom’s voluntary disclosure and cooperation combined with the exceptional circumstances brought about by the COVID-19

²² Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

²³ *Id.* at 4543-4544 para. 16.

²⁴ 47 U.S.C. § 315(b). The Bureau thoroughly investigated the lowest unit charge complaint raised in the December 2018 written complaint and ultimately concluded that the allegation was without merit.

²⁵ To date, Entercom has filed 80 license renewal applications during the current license renewal cycle, of which 79 are for full service stations, which require public file certifications. Of those 79 stations, Entercom was able to certify compliance with its public file obligations in only 5 (6.3%) of its applications. Most, if not all, were attributable to late-filed political records. The applications are listed in Appendix B.

²⁶ Based on its compliance report, Entercom achieved more than 99% compliance with its political file obligations during the five-week period.

coronavirus pandemic present a unique situation and, on balance, warrant resolution of the Bureau's investigation under the terms and conditions described below. It is in express consideration of these unique conditions that the Bureau, in the exercise of its prosecutorial discretion, forbears from requiring a civil penalty on the basis of the Entercom Stations' noncompliance during their license terms as an element of the Bureau's agreement to enter this Consent Decree.

III. TERMS OF AGREEMENT

8. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

9. **Jurisdiction.** Entercom agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

10. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

11. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process all pending license renewal applications filed by Entercom during the current renewal cycle (ending on August 1, 2022) subject to ordinary Audio Division, Media Bureau procedures. In consideration for such, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation or related to any violations of the Political File Statute and Rule through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against Entercom concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation or related to any violations of the Political File Statute and Rule through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.²⁷

12. **Admission of Liability.** Entercom admits for the purpose of this Consent Decree and for Commission civil enforcement purposes in connection with this Consent Decree, and in express reliance on the provisions of Paragraph 11 herein, that the statements described in Paragraph 6 are true and that Entercom failed to upload required information to its online political files in a timely manner and to otherwise maintain full and complete information in its political file, in repeated violation of section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

13. Entercom acknowledges that the Commission or its delegated authority may use the facts which form the basis for this Consent Decree and its admission of liability in proposing any future sanctions against Entercom in the event Entercom is determined to have committed any violations of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to political programming and record keeping or otherwise.²⁸

14. **Compliance Officer.** To the extent it has not already done so, within thirty (30) calendar days after the Effective Date, the Company shall designate a senior corporate manager with the requisite

²⁷ See 47 CFR § 1.93(b).

²⁸ Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E).

corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to Entercom's Chief Executive Officer on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Political File Statute and Rule prior to assuming his/her duties.

15. **Compliance Plan.** For purposes of settling the matters set forth herein, the Company agrees that it shall, within 90 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Political File Statute and Rule, and with the terms and conditions of this Consent Decree. The Compliance Plan must implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** The Compliance Plan shall include Operating Procedures that all Covered Employees must follow to help ensure the Company's compliance with the Political File Statute and Rule. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that Entercom Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Political File Statute and Rule.
- (b) **Compliance Manual.** The Compliance Plan shall include a compliance manual that is distributed to all Covered Employees. Such distribution shall take place no later than 120 calendar days after the Effective Date. The compliance manual shall thoroughly explain the requirements embodied in the Political File Statute and Rule, and it shall set forth the Operating Procedures (including the compliance checklist) that Covered Employees must follow to help ensure Entercom's compliance with the Political File Statute and Rule. The Company shall periodically review and revise the compliance manual as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Company shall distribute any revisions to the compliance manual promptly to all Covered Employees.
- (c) **Compliance Training Program.** The Compliance Plan shall include a compliance training program to provide periodic training to Covered Employees on compliance with the Political File Statute and Rule. As part of the compliance training program, Covered Employees shall be advised of the Company's obligation to report any noncompliance with the Political File Statute and Rule under Paragraph 15(f) of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 150 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Company shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- (d) **Industry Education.** The Company shall cooperate with the National Association of Broadcasters and state broadcast associations, as appropriate, by encouraging and promoting education and training for radio broadcasters, including small broadcasters or stations with limited resources, on the Political File Statute and Rule.

- (e) **Compliance Reports.** Entercom shall submit periodic compliance reports with the Bureau. The first compliance report shall be filed no later than December 10, 2020, and cover the 60-day period preceding the general election on November 3, 2020. A second compliance report shall be filed no later than December 10, 2021, and cover the 6-month period preceding the general election on November 2, 2021. The Bureau may, within its sole discretion, require Entercom to submit more frequent or additional compliance reports.
- i. Each compliance report shall include a spreadsheet and detailed description documenting the Company's efforts during the relevant period to comply with the Political File Statute and Rule, and with the terms and conditions of this Consent Decree. In addition, each compliance report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer has personal knowledge that the Company: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 15(f) of this Consent Decree.
 - ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of the Rules,²⁹ and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
 - iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Bureau with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which such proposed remedial action will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
 - iv. Entercom's Chief Executive Officer shall certify that he or she has reviewed each compliance report and that, based on his or her knowledge, the compliance report does not contain any untrue statement of a material fact, does not omit to state a material fact necessary to make the statements made therein, and is not misleading with respect to the period covered by the compliance report.
 - v. All compliance reports shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.
- (f) **Reporting Noncompliance.** The Company shall report any instance of noncompliance with the terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy

²⁹ 47 CFR § 1.16.

such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.

16. **Termination Date.** The requirements set forth in this Consent Decree shall terminate 60 days after the filing of the second compliance report referenced in Paragraph 15(e), provided the Bureau is satisfied that Entercom has demonstrated substantial compliance with its political file obligations. If the Bureau is not satisfied that Entercom has demonstrated substantial compliance with its political file obligations, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months.

17. The Company acknowledges that the Bureau retains the discretion and authority to propose sanctions against Company, including the issuance of notices of apparent liability for forfeitures, for any suspected or alleged noncompliance by Company with the Political Record-Keeping Statute and Rule that occurs during the term of this Consent Decree.

18. **Waivers.** As of the Effective Date, Entercom waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may have under the Equal Access to Justice Act³⁰ relating to the matters addressed in this Consent Decree.

19. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

20. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

21. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order

³⁰ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or Order.

22. **Successors and Assigns.** Entercom agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

23. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

24. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

25. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

26. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

27. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Michelle M. Carey
Chief, Media Bureau

Date

Andrew P. Sutor IV
Executive Vice President, General Counsel
Entercom License, LLC

Date

Appendix A

<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
KALC	FM	59601	DENVER, CO
KALV-FM	FM	63913	PHOENIX, AZ
KAMP-FM	FM	25075	LOS ANGELES, CA
KAMX	FM	48651	LULING, TX
KBZT	FM	58816	SAN DIEGO, CA
KCBS	AM	9637	SAN FRANCISCO, CA
KCBS-FM	FM	9612	LOS ANGELES, CA
KCSP	AM	11270	KANSAS CITY, MO
KDGS	FM	70266	ANDOVER, KS
KDKA	AM	25443	PITTSBURGH, PA
KDKA-FM	FM	20350	PITTSBURGH, PA
KEYN-FM	FM	53151	WICHITA, KS
KEZK-FM	FM	13507	ST. LOUIS, MO
KEZW	AM	67843	AURORA, CO
KFBZ	FM	53153	HAYSVILLE, KS
KFH	AM	53598	WICHITA, KS
KFRC-FM	FM	20897	SAN FRANCISCO, CA
KFRG	FM	1241	SAN BERNARDINO, CA
KFTK-FM	FM	73890	FLORISSANT, MO
KFXX	AM	57830	PORTLAND, OR
KGMZ	AM	25458	SAN FRANCISCO, CA
KGMZ-FM	FM	25446	SAN FRANCISCO, CA
KGON	FM	2432	PORTLAND, OR
KHMX	FM	47749	HOUSTON, TX
KHTP	FM	18513	TACOMA, WA
KIFM	AM	67848	WEST SACRAMENTO, CA
KIKK	AM	25450	PASADENA, TX
KILT	AM	25440	HOUSTON, TX
KILT-FM	FM	25439	HOUSTON, TX
KISW	FM	47750	SEATTLE, WA
KITS	FM	18510	SAN FRANCISCO, CA
KJCE	AM	1243	ROLLINGWOOD, TX
KJKK	FM	63779	DALLAS, TX
KKDO	FM	6810	FAIR OAKS, CA
KKHH	FM	25449	HOUSTON, TX
KKMJ-FM	FM	66489	AUSTIN, TX
KKWF	FM	6367	SEATTLE, WA
KLLC	FM	9624	SAN FRANCISCO, CA
KLLO	FM	35073	HOUSTON, TX

<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
KLUC-FM	FM	47744	LAS VEGAS, NV
KLUV	FM	67195	DALLAS, TX
KMBZ	AM	6382	KANSAS CITY, MO
KMBZ-FM	FM	2449	KANSAS CITY, KS
KMLE	FM	59965	CHANDLER, AZ
KMNB	FM	9641	MINNEAPOLIS, MN
KMOX	AM	9638	ST. LOUIS, MO
KMTT	AM	35033	VANCOUVER, WA
KMVK	FM	23440	FORT WORTH, TX
KMXB	FM	51676	HENDERSON, NV
KNDD	FM	34530	SEATTLE, WA
KNOU	FM	27022	ST. LOUIS, MO
KNRK	FM	51213	CAMAS, WA
KNSS	AM	53152	WICHITA, KS
KNSS-FM	FM	23292	CLEARWATER, KS
KNX	AM	9616	LOS ANGELES, CA
KOOL-FM	FM	13506	PHOENIX, AZ
KQKS	FM	35574	LAKEWOOD, CO
KQMT	FM	26929	DENVER, CO
KQPS	FM	11747	PALM DESERT, CA
KQRC-FM	FM	74101	LEAVENWORTH, KS
KRBQ	FM	65486	SAN FRANCISCO, CA
KRBZ	FM	57119	KANSAS CITY, MO
KRLD	AM	59820	DALLAS, TX
KRLD-FM	FM	1087	DALLAS, TX
KROQ-FM	FM	28622	PASADENA, CA
KRSK	FM	68213	MOLALLA, OR
KRTH	FM	28631	LOS ANGELES, CA
KRXQ	FM	20354	SACRAMENTO, CA
KSEG	FM	11281	SACRAMENTO, CA
KSFM	FM	59598	WOODLAND, CA
KSON	FM	59816	SAN DIEGO, CA
KSWD	FM	20356	SEATTLE, WA
KTWV	FM	25437	LOS ANGELES, CA
KUDL	FM	57889	SACRAMENTO, CA
KVIL	FM	28624	HIGHLAND PARK-DALLAS, TX
KWFN	FM	30832	SAN DIEGO, CA
KWJJ-FM	FM	13738	PORTLAND, OR
KWOD	AM	87143	KANSAS CITY, KS
KXFG	FM	63912	MENIFEE, CA
KXNT	AM	33068	NORTH LAS VEGAS, NV

<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
KXQQ-FM	FM	12560	HENDERSON, NV
KXSN	FM	34589	SAN DIEGO, CA
KXST	AM	47745	NORTH LAS VEGAS, NV
KXTE	FM	2100	PAHRUMP, NV
KYCH-FM	FM	35034	PORTLAND, OR
KYKY	FM	20358	ST. LOUIS, MO
KYW	AM	25441	PHILADELPHIA, PA
KYXY	FM	51671	SAN DIEGO, CA
KYYS	AM	73938	KANSAS CITY, KS
KZJK	FM	54425	ST. LOUIS PARK, MN
KZPT	FM	6379	KANSAS CITY, MO
WAAF	AM	36200	SCRANTON, PA
WAOK	AM	63775	ATLANTA, GA
WAXY	AM	30837	SOUTH MIAMI, FL
WBBM	AM	9631	CHICAGO, IL
WBBM-FM	FM	9613	CHICAGO, IL
WBEB	FM	71382	PHILADELPHIA, PA
WBEE-FM	FM	71206	ROCHESTER, NY
WBEN	AM	34381	BUFFALO, NY
WBGB	FM	9639	BOSTON, MA
WBMX	FM	28621	CHICAGO, IL
WBT	AM	30830	CHARLOTTE, NC
WBT-FM	FM	10764	CHESTER, SC
WBTJ	FM	74168	RICHMOND, VA
WBZA	FM	71204	ROCHESTER, NY
WBZZ	FM	20351	NEW KENSINGTON, PA
WCBS	AM	9636	NEW YORK, NY
WCBS-FM	FM	9611	NEW YORK, NY
WCCO	AM	9642	MINNEAPOLIS, MN
WCFS-FM	FM	71283	ELMWOOD PARK, IL
WCMF-FM	FM	1905	ROCHESTER, NY
WDAF-FM	FM	8609	LIBERTY, MO
WDCH-FM	FM	72177	BOWIE, MD
WDOK	FM	28525	CLEVELAND, OH
WDSY-FM	FM	18525	PITTSBURGH, PA
WDZH	FM	25448	DETROIT, MI
WEAL	AM	49315	GREENSBORO, NC
WEEI	AM	1912	BOSTON, MA
WEEI-FM	FM	1919	LAWRENCE, MA
WEZB	FM	20346	NEW ORLEANS, LA
WFAN	AM	28617	NEW YORK, NY

<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
WFAN-FM	FM	67846	NEW YORK, NY
WFBC-FM	FM	34390	GREENVILLE, SC
WFNZ	AM	53974	CHARLOTTE, NC
WGGY	FM	36202	SCRANTON, PA
WGR	AM	56101	BUFFALO, NY
WHLL	AM	36545	SPRINGFIELD, MA
WIAD	FM	9619	BETHESDA, MD
WILK	AM	34380	WILKES-BARRE, PA
WILK-FM	FM	22666	AVOCA, PA
WINS	AM	25451	NEW YORK, NY
WIP-FM	FM	28628	PHILADELPHIA, PA
WJFK	AM	28638	MORNINGSIDE, MD
WJFK-FM	FM	28625	MANASSAS, VA
WJMH	FM	40754	REIDSVILLE, NC
WJZ	AM	28636	BALTIMORE, MD
WJZ-FM	FM	1916	CATONSVILLE, MD
WKBU	FM	52434	NEW ORLEANS, LA
WKIS	FM	64001	BOCA RATON, FL
WKRF	FM	14643	TOBYHANNA, PA
WKRK-FM	FM	74473	CLEVELAND HEIGHTS, OH
WKRZ	FM	34379	FREELAND, PA
WKSE	FM	34384	NIAGARA FALLS, NY
WTKT	FM	18520	CRYSTAL RIVER, FL
WKXJ	FM	14735	WALDEN, TN
WLFP	FM	2686	GERMANTOWN, TN
WLIF	FM	28637	BALTIMORE, MD
WLKK	FM	9250	WETHERSFIELD TWNSHP, NY
WLMG	FM	34376	NEW ORLEANS, LA
WLND	FM	72371	SIGNAL MOUNTAIN, TN
WLNK	FM	30834	CHARLOTTE, NC
WLYF	FM	30827	MIAMI, FL
WLZL	FM	20983	COLLEGE PARK, MD
WMAS-FM	FM	36543	ENFIELD, CT
WMC	AM	19185	MEMPHIS, TN
WMC -FM	FM	59449	MEMPHIS, TN
WMFS	AM	34374	MEMPHIS, TN
WMFS-FM	FM	4653	BARTLETT, TN
WMHX	FM	73655	WAUNAKEE, WI
WMJX	FM	25052	BOSTON, MA
WMMM-FM	FM	73663	VERONA, WI
WMQX	FM	22925	PITTSTON, PA

<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
WMXJ	FM	30840	POMPANO BEACH, FL
WMYX-FM	FM	27029	MILWAUKEE, WI
WNCX	FM	41390	CLEVELAND, OH
WNEW-FM	FM	25442	NEW YORK, NY
WNSH	FM	20886	NEWARK, NJ
WNVZ	FM	40755	NORFOLK, VA
WNYL	FM	58579	NEW YORK, NY
WOCL	FM	10138	DELAND, FL
WODS	AM	22667	WEST HAZLETON, PA
WOGL	FM	9622	PHILADELPHIA, PA
WOLX-FM	FM	60236	BARABOO, WI
WOMC	FM	28623	DETROIT, MI
WOMX-FM	FM	47746	ORLANDO, FL
WORD	AM	66390	SPARTANBURG, SC
WPAW	FM	40752	WINSTON-SALEM, NC
WPET	AM	71271	GREENSBORO, NC
WPGC-FM	FM	28632	MORNINGSIDE, MD
WPHT	AM	9634	PHILADELPHIA, PA
WPOW	FM	73893	MIAMI, FL
WPTE	FM	64004	VIRGINIA BEACH, VA
WPXY-FM	FM	53966	ROCHESTER, NY
WQAL	FM	72889	CLEVELAND, OH
WQAM	AM	64002	MIAMI, FL
WQMG	FM	47078	GREENSBORO, NC
WQMP	FM	73137	DAYTONA BEACH, FL
WRCH	FM	1910	NEW BRITAIN, CT
WRNL	AM	11960	RICHMOND, VA
WROC	AM	71205	ROCHESTER, NY
WROQ	FM	318	ANDERSON, SC
WRVA	AM	11914	RICHMOND, VA
WRVQ	FM	11963	RICHMOND, VA
WRVR	FM	34375	MEMPHIS, TN
WRXL	FM	11961	RICHMOND, VA
WRXR-FM	FM	72375	ROSSVILLE, GA
WSCR	AM	25445	CHICAGO, IL
WSFS	FM	29567	MIRAMAR, FL
WSKY-FM	FM	23352	MICANOPY, FL
WSMW	FM	71272	GREENSBORO, NC
WSPA-FM	FM	66400	SPARTANBURG, SC
WSSP	AM	27030	MILWAUKEE, WI
WSTR	FM	30822	SMYRNA, GA

<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
WTDY-FM	FM	51434	PHILADELPHIA, PA
WTIC	AM	66464	HARTFORD, CT
WTIC-FM	FM	66465	HARTFORD, CT
WTPT	FM	4677	FOREST CITY, NC
WTSS	FM	34382	BUFFALO, NY
WTVR-FM	FM	54387	RICHMOND, VA
WUSN	FM	28620	CHICAGO, IL
WUSY	FM	12315	CLEVELAND, TN
WVEE	FM	63776	ATLANTA, GA
WVEI	AM	74466	WORCESTER, MA
WVEI-FM	FM	71720	WESTERLY, RI
WVKL	FM	4672	NORFOLK, VA
WWBX	FM	26897	BOSTON, MA
WWDE-FM	FM	40753	HAMPTON, VA
WWEI	FM	11295	EASTHAMPTON, MA
WWJ	AM	9621	DETROIT, MI
WWKB	AM	34383	BUFFALO, NY
WWL	AM	34377	NEW ORLEANS, LA
WWL -FM	FM	52435	KENNER, LA
WWMX	FM	74196	BALTIMORE, MD
WWWL	AM	72959	NEW ORLEANS, LA
WWWS	AM	56104	BUFFALO, NY
WXRT	FM	16853	CHICAGO, IL
WXSS	FM	27031	WAUWATOSA, WI
WXYT	AM	28627	DETROIT, MI
WXYT-FM	FM	9618	DETROIT, MI
WYCD	FM	1089	DETROIT, MI
WYRD	AM	34389	GREENVILLE, SC
WYRD-FM	FM	53623	SIMPSONVILLE, SC
WZGC	FM	13805	ATLANTA, GA
WZMX	FM	1900	HARTFORD, CT

Appendix B

<u>Station Call Sign</u>	<u>Community of License</u>	<u>Application for License Renewal File No.</u>
WJZ	BALTIMORE, MD	0000104065
WJZ-FM	CATONSVILLE, MD	0000105007
WLIF	BALTIMORE, MD	0000104918
WWMX	BALTIMORE, MD	0000105004
WDCH-FM	BOWIE, MD	0000104044
WIAD	BETHESDA, MD	0000104997
WJFK	MORNINGSIDE, MD	0000104063
WJFK-FM	MANASSAS, VA	0000104076
WLZL	COLLEGE PARK, MD	0000104073
WPGC-FM	MORNINGSIDE, MD	0000104917
WNVZ	NORFOLK, VA	0000105020
WPTE	VIRGINIA BEACH, VA	0000104924
WVKL	NORFOLK, VA	0000104147
WWDE-FM	HAMPTON, VA	0000104925
WBTJ	RICHMOND, VA	0000104164
WRNL	RICHMOND, VA	0000104178
WRVA	RICHMOND, VA	0000104182
WRVQ	RICHMOND, VA	0000104186
WRXL	RICHMOND, VA	0000104188
WTVR-FM	RICHMOND, VA	0000104211
W249AR	ASHEVILLE, NC	0000105026
WBT	CHARLOTTE, NC	0000104094
WBT-FM	CHESTER, SC	0000105017
WFNZ	CHARLOTTE, NC	0000104139
WLNK	CHARLOTTE, NC	0000105033
WEAL	GREENSBORO, NC	0000104125
WJMH	REIDSVILLE, NC	0000104143
WPAW	WINSTON-SALEM, NC	0000104920
WPET	GREENSBORO, NC	0000104172
WQMG	GREENSBORO, NC	0000105002
WSMW	GREENSBORO, NC	0000104192
WFBC-FM	GREENVILLE, SC	0000104134
WORD	SPARTANBURG, SC	0000104081
WROQ	ANDERSON, SC	0000104928
WSPA-FM	SPARTANBURG, SC	0000104276
WTPT	FOREST CITY, NC	0000104270
WYRD	GREENVILLE, SC	0000104088
WYRD-FM	SIMPSONVILLE, SC	0000105015
WKTK	CRYSTAL RIVER, FL	0000104195
WSKY-FM	MICANOPY, FL	0000104209
WAXY	SOUTH MIAMI, FL	0000104193

<u>Station Call Sign</u>	<u>Community of License</u>	<u>Application for License Renewal File No.</u>
WKIS	BOCA RATON, FL	0000104223
WLYF	MIAMI, FL	0000104197
WMXJ	POMPANO BEACH, FL	0000104227
WPOW	MIAMI, FL	0000104203
WQAM	MIAMI, FL	0000104230
WSFS	MIRAMAR, FL	0000104207
WOCL	DELAND, FL	0000104198
WOMX-FM	ORLANDO, FL	0000104200
WQMP	DAYTONA BEACH, FL	0000104204
WAOK	ATLANTA, GA	0000104105
WSTR	SMYRNA, GA	0000104111
WVEE	ATLANTA, GA	0000104100
WZGC	ATLANTA, GA	0000104089
WRXR-FM	ROSSVILLE, GA	0000104231
WEZB	NEW ORLEANS, LA	0000103827
WKBW	NEW ORLEANS, LA	0000103941
WLMG	NEW ORLEANS, LA	0000103993
WWL	NEW ORLEANS, LA	0000104030
WWL-FM	KENNER, LA	0000104040
WWWL	NEW ORLEANS, LA	0000104057
WKXJ	WALDEN, TN	0000110950
WLND	SIGNAL MOUNTAIN, TN	0000110949
WUSY	CLEVELAND, TN	0000110955
WLFP	GERMANTOWN, TN	0000110946
WMC	MEMPHIS, TN	0000110940
WMC-FM	MEMPHIS, TN	0000110939
WMFS	MEMPHIS, TN	0000110943
WMFS-FM	BARTLETT, TN	0000110945
WRVR	MEMPHIS, TN	0000110942
WDOK	CLEVELAND, OH	0000114937
WKRK-FM	CLEVELAND HEIGHTS, OH	0000114935
WNCX	CLEVELAND, OH	0000114933
WQAL	CLEVELAND, OH	0000114932
WDZH	DETROIT, MI	0000114930
WOMC	DETROIT, MI	0000114927
WWJ	DETROIT, MI	0000114925
WXYT	DETROIT, MI	0000114923
WXYT-FM	DETROIT, MI	0000114921
WYCD	DETROIT, MI	0000114903

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-C
)	
Cumulus Media New Holdings Inc.	)	FRN: 0027639129
)	
Licensee of Various Commercial Radio Stations)	
)	
)	

ORDER

Adopted: July 22, 2020**Released: July 22, 2020**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Federal Communications Commission (the Commission) and Cumulus Media New Holdings Inc. (Cumulus). The Consent Decree resolves the Commission's investigation into whether Cumulus violated section 315(e)(3) of the Communications Act of 1934, as amended (the Act), and section 73.1943(c) of the Commission's rules in connection with the timeliness of uploads of required information to the online political files of certain of its owned and operated radio stations. To resolve this matter, Cumulus agrees, among other things, to implement a comprehensive Compliance Plan and to provide periodic Compliance Reports to the Bureau.

2. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹ and political file obligations have been embodied in section 315(e) of the Act since 2002.² Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,³ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.⁴ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files "as soon as possible."⁵ Section 73.1943(a) of the Commission's Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public

¹ See 3 Fed. Reg. 1691 (1938).

² 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107-155, 116 Stat. 81 (2002).

³ 47 U.S.C. § 315(e)(1)(A).

⁴ 47 U.S.C. § 315(e)(1)(B).

⁵ 47 U.S.C. § 315(e)(3).

office,⁶ and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”⁷

3. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act⁸ and present their positions to the public prior to an election.⁹ In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”¹⁰

4. Cumulus is the licensee of various commercial radio stations across the country. In February 2020, Cumulus voluntarily informed the Bureau that many of its stations had not uploaded records of requests for the purchase of political broadcast time in a timely manner. Cumulus’s disclosure was consistent with the information that it provided in multiple license renewal applications filed with the Commission during the current license renewal cycle.

5. Following discussions with Bureau staff earlier this year, Cumulus informally agreed to adopt a Best Practices Plan and to submit a Compliance Report to the Bureau covering a limited period of time. That Compliance Report revealed a significant improvement by Cumulus in complying with its political file obligations. Cumulus has now formally agreed to enter into the attached Consent Decree, pursuant to which Cumulus admits that it violated its political file obligations by not uploading required records in a timely manner. Cumulus further agrees to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Bureau.

6. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Cumulus’s compliance with section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

7. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission’s rules,¹¹ the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

8. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

9. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be served via electronic mail to Kathleen A. Kirby, Esq., Wiley Rein LLP, counsel for Cumulus Media New Holdings Inc., at kkirby@wiley.law.

⁶ 47 CFR § 73.1943(a)

⁷ 47 CFR § 73.1943(c).

⁸ 47 U.S.C. § 315(a).

⁹ Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

¹⁰ *Id.* at 4543-44, para. 16.

¹¹ 47 CFR §§ 0.61(e), 0.283.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-C
)	
CUMULUS MEDIA NEW HOLDINGS INC.	)	FRN: 0027639129
)	
Licensee of Various Commercial Radio Stations)	

CONSENT DECREE

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and Cumulus Media New Holdings Inc. (Cumulus), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation, as defined below, into Cumulus's compliance with section 315(e)(3) of the Communications Act of 1934, as amended,¹ and section 73.1943(c) of the Commission's rules,² relating the maintenance of online political files. As set forth herein, to resolve this matter, Cumulus agrees, among other things, to implement a comprehensive Compliance Plan and provide periodic Compliance Reports to the Bureau.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:

- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
- (b) "Adopting Order" means an Order of the Media Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
- (c) "Bureau" or "Media Bureau" means the Media Bureau of the Commission.
- (d) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.
- (e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission.
- (f) "Compliance Officer" means the individual designated in Paragraph 12 of this Consent Decree as the person responsible for administration of the Compliance Plan.
- (g) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at Paragraph 13.
- (h) "Covered Employees" means all employees and agents of the Company who perform, supervise, oversee, or manage the performance of duties that relate to Cumulus's responsibilities under the Political Record-Keeping Statutes and Rules.
- (i) "Effective Date" means the date by which both the Bureau and Cumulus have signed the Consent Decree.
- (j) "Cumulus" or the "Company" means Cumulus Media Inc. and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.

¹ 47 U.S.C. § 315(e)(3).

² 47 CFR § 73.1943(c).

- (k) “Cumulus Stations” means all broadcast stations of which Cumulus is or becomes the licensee during the term of this Consent Decree.
- (l) “Investigation” means the Bureau’s investigation regarding Cumulus’s compliance with the Political Record-Keeping Statutes and Rules.
- (m) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Cumulus to implement the Compliance Plan.
- (n) “Parties” means Cumulus and the Bureau, each of which is a “Party.”
- (o) “Political Record-Keeping Statutes and Rules” means 47 U.S.C. §315(e)(3); 47 CFR §§ 73.1943(c) and 73.3526(e)(6).
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,³ and political file obligations have been embodied in section 315(e) of the Act since 2002.⁴ Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,⁵ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.⁶ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”⁷ Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,⁸ and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”⁹

4. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act¹⁰ and present their positions to the public prior to an election.¹¹ In addition, as the Commission has stated, “the disclosures included in the political

³ See 3 Fed. Reg. 1691 (1938).

⁴ 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

⁵ 47 U.S.C. § 315(e)(1)(A).

⁶ 47 U.S.C. § 315(e)(1)(B).

⁷ 47 U.S.C. § 315(e)(3).

⁸ 47 CFR § 73.1943(a)

⁹ 47 CFR § 73.1943(c).

¹⁰ 47 U.S.C. § 315(a).

¹¹ Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

file further the First Amendment's goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy."¹²

5. Cumulus is the licensee of 424 commercial radio stations in 87 markets across the United States.¹³ It is a publicly traded company on the NASDAQ exchange. In February 2020, Cumulus voluntarily informed the Bureau that many of its stations had not uploaded records of requests for the purchase of political broadcast time in a timely manner. Cumulus's disclosure was consistent with the information that it had provided in multiple license renewal applications filed with the Commission as of February 2020.¹⁴ Following discussions with Bureau and Commission staff, Cumulus voluntarily agreed to adopt consistent operating procedures across all of its stations pertaining the Political Record-Keeping Statutes and Rules and to submit a Compliance Report to the Bureau covering the five week period spanning the last full week of February and all of March 2020. The Compliance Report that Cumulus submitted revealed a dramatic improvement by the Company in complying with its political file obligations.¹⁵ Cumulus achieved a substantial level of compliance during the reporting period which coincided with the March 11, 2020 World Health Organization's classification of COVID-19 as a pandemic and the March 13, 2020 Presidential declaration of a national emergency. We recognize that this period has placed the radio broadcast industry as a whole under significant financial stress from a dramatic reduction in advertising revenues. The Bureau believes that Cumulus' voluntary disclosure and cooperation, combined with the exceptional circumstances brought about by the COVID-19 coronavirus pandemic, present a unique situation and, on balance, warrant resolution of the Bureau's investigation under the terms and conditions described below. It is in express consideration of these unique conditions that the Bureau, in the exercise of its prosecutorial discretion, forbears from including a civil penalty on the basis of the Cumulus Stations' noncompliance during their current license terms as an element of the Bureau's agreement to enter this Consent Decree.

III. TERMS OF AGREEMENT

6. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

7. **Jurisdiction.** Cumulus agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

9. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process all license renewal applications filed by Cumulus for its radio stations during the current renewal cycle (ending on August 1, 2022) subject to ordinary Audio Division, Media Bureau procedures. In consideration for such, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to

¹² *Id.* at 4543-44, para. 16.

¹³ See <https://www.cumulusmedia.com/about-us/company-overview/> reviewed on May 12, 2020.

¹⁴ To date, Cumulus has filed 209 license renewal applications during the current license renewal cycle. Of that number, Cumulus was able to certify compliance with its political file obligations in only 19% of its applications. Most, if not all, were attributable to late-filed political records. The applications are listed in Appendix A.

¹⁵ Based on its compliance report, Cumulus achieved 100% compliance with its political file obligations during the five-week period.

any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against Cumulus concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.¹⁶

10. **Admission of Liability.** Cumulus admits for the purpose of this Consent Decree, and in express reliance on the provisions of Paragraph 9 herein, that the statements described in Paragraph 5 are true and that Cumulus failed to upload certain required information to its online political files in a timely manner and to otherwise maintain full and complete information in its political files, in repeated violation of section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

11. The Company acknowledges that the Commission or its delegated authority may use the facts which form the basis for this Consent Decree and its admission of liability in proposing any future sanctions against the Company in the event the Company is determined to have committed any violations of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to political programming and record keeping or otherwise.¹⁷

12. **Compliance Officer.** To the extent it has not already done so, within thirty (30) calendar days after the Effective Date, the Company shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to Cumulus' Chief Executive Officer on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Political Record-Keeping Statutes and Rules prior to assuming his/her duties.

13. **Compliance Plan.** For purposes of settling the matters set forth herein, the Company agrees that it shall, within 90 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Political Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. The Compliance Plan must implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** The Compliance Plan shall include Operating Procedures that all Covered Employees must follow to help ensure the Company's compliance with the Political Record-Keeping Statutes and Rules. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that Cumulus Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Political Record-Keeping Statutes and Rules.
- (b) **Compliance Manual.** The Compliance Plan shall include a compliance manual that is distributed to all Covered Employees. Such distribution shall take place no later than 120 calendar days after the Effective Date. The compliance manual shall thoroughly explain the requirements embodied in the Political Record-Keeping Statutes and Rules, and it

¹⁶ See 47 CFR § 1.93(b).

¹⁷ Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E).

shall set forth the Operating Procedures (including the compliance checklist) that Covered Employees must follow to help ensure Cumulus's compliance with the Political Record-Keeping Statutes and Rules. The Company shall periodically review and revise the compliance manual as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Company shall distribute any revisions to the compliance manual promptly to all Covered Employees.

- (c) Compliance Training Program. The Compliance Plan shall include a compliance training program to provide periodic training to Covered Employees on compliance with the Political Record-Keeping Statutes and Rules. As part of the compliance training program, Covered Employees shall be advised of the Company's obligation to report any noncompliance with the Political Record-Keeping Statutes and Rules under Paragraph 13(f) of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 150 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Company shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- (d) Industry Education. The Company shall cooperate with the National Association of Broadcasters and state broadcast associations, as appropriate, by encouraging and promoting education and training with respect to the Political Record-Keeping Statutes and Rules for radio broadcasters, including small broadcasters or stations with limited resources.
- (e) Compliance Reports. Cumulus shall submit periodic compliance reports with the Bureau. The first compliance report shall be filed no later than December 10, 2020, and cover the 60-day period preceding the general election on November 3, 2020. A second compliance report shall be filed no later than December 10, 2021, and cover the 6-month period preceding the general election on November 2, 2021. The Bureau may, within its sole discretion, require Cumulus to submit more frequent or additional compliance reports.
 - i. The compliance report shall include a spreadsheet and detailed description documenting the Company's efforts during the relevant period to comply with the Political Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. In addition, each compliance report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer has personal knowledge that the Company: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in Paragraph 13(f) of this Consent Decree
 - ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of

the Rules,¹⁸ and be subscribed to as true under penalty of perjury in substantially the form set forth therein.

- iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Bureau with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which such proposed remedial action will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
 - iv. Cumulus's Chief Executive Officer shall certify that he or she has reviewed each compliance report and that, based on his or her knowledge, the compliance report does not contain any untrue statement of a material fact, does not omit to state a material fact necessary to make the statements made therein, and is not misleading with respect to the period covered by the compliance report.
 - v. All compliance reports shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.
- (f) **Reporting Noncompliance.** The Company shall report any instance of noncompliance with the Political Record-Keeping Statutes and Rules, and any instance of noncompliance with the terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.

14. **Termination Date.** The requirements set forth in this Consent Decree shall terminate 60 days after the filing of the final compliance report referenced in Paragraph 13(e), provided the Bureau is satisfied that Cumulus has demonstrated substantial compliance with its political file obligations (the "Termination Date"). If the Bureau is not satisfied that Cumulus has demonstrated substantial compliance with its political file obligations, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months. The Company acknowledges that the Bureau retains the discretion and authority to propose sanctions against Company, including the issuance of notices of apparent liability for forfeitures, for any suspected or alleged noncompliance by Company with the Political Record-Keeping Statute and Rule that occurs during the term of this Consent Decree.

15. **Waivers.** As of the Effective Date, Cumulus waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the

¹⁸ 47 CFR § 1.16.

validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may have under the Equal Access to Justice Act¹⁹ relating to the matters addressed in this Consent Decree.

16. **Severability**. The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

17. **Invalidity**. In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

18. **Subsequent Rule or Order**. The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or Order.

19. **Successors and Assigns**. Cumulus agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

20. **Final Settlement**. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

21. **Modifications**. This Consent Decree cannot be modified without the advance written consent of both Parties.

22. **Paragraph Headings**. The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

23. **Authorized Representative**. Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on

¹⁹ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

24. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Michelle M. Carey
Chief, Media Bureau

Date

Richard S. Denning
Cumulus Media New Holdings Inc.

Date

Appendix A

<u>Station Call Sign</u>	<u>Community of License</u>		<u>Application for License Renewal File No.</u>
WBZF	SC	HARTSVILLE	0000079097
WLFF	SC	GEORGETOWN	0000079414
WWLD	GA	CAIRO	0000091119
WDEN-FM	GA	MACON	0000091793
WLZN	GA	MACON	0000091801
WMAC	GA	MACON	0000091804
WMGB	GA	MONTEZUMA	0000091806
WPEZ	GA	JEFFERSONVILLE	0000091809
WBLX-FM	AL	MOBILE	0000091989
WDLT-FM	AL	SARALAND	0000091990
WGOK	AL	MOBILE	0000091991
WSEA	SC	ATLANTIC BEACH	0000079416
WXQW	AL	FAIRHOPE	0000091992
WABD	AL	MOBILE	0000091993
WHHY-FM	AL	MONTGOMERY	0000092223
WLWI	AL	MONTGOMERY	0000092228
WLWI-FM	AL	MONTGOMERY	0000092221
WMSP	AL	MONTGOMERY	0000092234
WMXS	AL	MONTGOMERY	0000092230
WAFX	AL	PRATTVILLE	0000092225
WIXV	GA	SAVANNAH	0000091837
WJCL-FM	GA	SAVANNAH	0000091838
WSYN	SC	SURFSIDE BEACH	0000079419
WJLG	GA	SAVANNAH	0000091840
WDZZ-FM	MI	FLINT	0000115227
WWCK	MI	FLINT	0000115228
WWCK-FM	MI	FLINT	0000115229
WKKO	OH	TOLEDO	0000114995
WRQN	OH	BOWLING GREEN	0000115001
WXKR	OH	PORT CLINTON	0000115004
WMIM	MI	LUNA PIER	0000115013
WQQO	OH	SYLVANIA	0000115036
WRWM	SC	CONWAY	0000079426
WFNC	NC	FAYETTEVILLE	0000079086
WMGU	NC	SOUTHERN PINES	0000079088
WQSM	NC	FAYETTEVILLE	0000079089
WRCQ	NC	DUNN	0000079093
WAAV	NC	LELAND	0000079069
WGNI	NC	WILMINGTON	0000079073
WCMG	SC	LATTA	0000079102

WKXS-FM	NC	LELAND	0000079081
WMNX	NC	WILMINGTON	0000079082
WWQQ-FM	NC	WILMINGTON	0000079084
WFTW	FL	FORT WALTON BEACH	0000083282
WKSM	FL	FORT WALTON BEACH	0000083302
WYZB	FL	MARY ESTHER	0000083309
WZNS	FL	FORT WALTON BEACH	0000083277
WNCV	FL	SHALIMAR	0000083306
WCOA	FL	PENSACOLA	0000083245
WJTQ	FL	PENSACOLA	0000083249
WQPD	SC	MARION	0000079103
WXBM-FM	FL	MILTON	0000083243
WRRX	FL	GULF BREEZE	0000083240
WMEZ	FL	PENSACOLA	0000083236
WBZE	FL	TALLAHASSEE	0000083569
WEGC	GA	SASSER	0000092407
WJAD	GA	LEESBURG	0000092405
WKAK	GA	ALBANY	0000092398
WQVE	GA	ALBANY	0000092399
W252BN	FL	TALLAHASSEE	0000087872
WUMP	AL	MADISON	0000091863
WMXT	SC	PAMPLICO	0000079104
WVNN	AL	ATHENS	0000091866
WVNN-FM	AL	TRINITY	0000091870
WHRP	AL	GURLEY	0000091862
WZYP	AL	ATHENS	0000091875
WWFF-FM	AL	NEW MARKET	0000091874
WBMQ	GA	SAVANNAH	0000091835
WEAS-FM	GA	SPRINGFIELD	0000091836
W250BC	GA	ATLANTA	0000090828
KAOK	LA	LAKE CHARLES	0000104816
KBIU	LA	LAKE CHARLES	0000104823
WWFN-FM	SC	LAKE CITY	0000079105
KKGB	LA	SULPHUR	0000104830
KQLK	LA	DE RIDDER	0000104836
KXZZ	LA	LAKE CHARLES	0000104840
KYKZ	LA	LAKE CHARLES	0000104843
WKOR-FM	MS	COLUMBUS	0000103842
WMXU	MS	STARKVILLE	0000103875
WNMQ	MS	COLUMBUS	0000103909
WSMS	MS	ARTESIA	0000103938
WSSO	MS	STARKVILLE	0000103949
KAMO-FM	AR	ROGERS	0000104323
WYMB	SC	MANNING	0000079107
KFAY	AR	FARMINGTON	0000104331
KQSM-FM	AR	FAYETTEVILLE	0000104337

KMCK-FM	AR	PRAIRIE GROVE	0000104342
KKEG	AR	BENTONVILLE	0000104351
KYNG	AR	SPRINGDALE	0000104360
KRMW	AR	CEDARVILLE	0000104368
KBBQ-FM	AR	VAN BUREN	0000104382
KNSH	AR	FORT SMITH	0000104391
KMJJ-FM	LA	SHREVEPORT	0000105158
KRMD-FM	LA	OIL CITY	0000105163
WYNN	SC	FLORENCE	0000079106
KVMA-FM	LA	SHREVEPORT	0000105164
KRMD	LA	SHREVEPORT	0000105160
WCYN-FM	KY	CYNTHIANA	0000109912
WXZZ	KY	GEORGETOWN	0000109914
WLTO	KY	NICHOLASVILLE	0000109915
WLXX	KY	LEXINGTON	0000109916
WVLK	KY	LEXINGTON	0000109917
WVLK-FM	KY	RICHMOND	0000109922
WQQK	TN	GOODLETTSVILLE	0000110247
WSM-FM	TN	NASHVILLE	0000110257
WYNN-FM	SC	FLORENCE	0000079108
WWTN	TN	HENDERSONVILLE	0000110269
WLBY	MI	SALINE	0000115520
WTKA	MI	ANN ARBOR	0000115528
WQKL	MI	ANN ARBOR	0000115535
WWWW-FM	MI	ANN ARBOR	0000115538
WNNF	OH	CINCINNATI	0000115103
WOFX-FM	OH	CINCINNATI	0000115130
WBBW	OH	YOUNGSTOWN	0000115217
WHOT-FM	OH	YOUNGSTOWN	0000115218
WQXK	OH	SALEM	0000115219
WDAI	SC	PAWLEYS ISLAND	0000079413
WRQX	OH	SALEM	0000115220
WTYB	SC	BLUFFTON	0000079095
WHBT	FL	TALLAHASSEE	0000083565
WHBX	FL	TALLAHASSEE	0000083562
WGLF	FL	TALLAHASSEE	0000083568
WHKR	FL	ROCKLEDGE	0000083326
WROK-FM	FL	SEBASTIAN	0000083329
WLZR	FL	MELBOURNE	0000083317
WAOA-FM	FL	MELBOURNE	0000083323
WALG	GA	ALBANY	0000092393
WTMA	SC	CHARLESTON	0000079119
WTCB	SC	ORANGEBURG	0000079198
W285DG	NC	BOONE	0000079029
KQXL-FM	LA	NEW ROADS	0000104998
WRQQ	LA	HAMMOND	0000105012

WEMX	LA	KENTWOOD	0000105034
WXOK	LA	PORT ALLEN	0000105044
KNEK	LA	WASHINGTON	0000104235
KNEK-FM	LA	WASHINGTON	0000104312
KRRQ	LA	LAFAYETTE	0000104243
KSMB	LA	LAFAYETTE	0000104266
WSSX-FM	SC	CHARLESTON	0000079125
KXKC	LA	NEW IBERIA	0000104285
KAAY	AR	LITTLE ROCK	0000104619
KARN	AR	LITTLE ROCK	0000104622
KFOG	AR	LITTLE ROCK	0000104623
KIPR	AR	PINE BLUFF	0000104626
KLAL	AR	WRIGHTSVILLE	0000104628
KURB	AR	LITTLE ROCK	0000104630
KARN-FM	AR	SHERIDAN	0000104631
WRBO	MS	COMO	0000104811
KKND	LA	PORT SULPHUR	0000105111
WIWF	SC	CHARLESTON	0000079129
KMEZ	LA	BELLE CHASSE	0000105148
WRKN	MS	PICAYUNE	0000105151
WZRH	LA	LAPLACE	0000105152
WWKI	IN	KOKOMO	0000110080
WLTi	IN	NEW CASTLE	0000110363
WGFX	TN	GALLATIN	0000110284
WKDF	TN	NASHVILLE	0000110308
WIVK-FM	TN	KNOXVILLE	0000110496
WNML	TN	KNOXVILLE	0000110500
WNML-FM	TN	FRIENDSVILLE	0000110503
WWWZ	SC	SUMMERVILLE	0000079134
WOKI	TN	OLIVER SPRINGS	0000110504
WGKX	TN	MEMPHIS	0000112238
WXMx	TN	MILLINGTON	0000112237
WKIM	TN	MUNFORD	0000112234
WGOW	TN	CHATTANOOGA	0000109464
WGOW-FM	TN	SODDY-DAISY	0000109476
WOGT	TN	EAST RIDGE	0000109503
WSKZ	TN	CHATTANOOGA	0000109515
WXSM	TN	BLOUNTVILLE	0000110822
WJCW	TN	JOHNSON CITY	0000110825
WMGL	SC	RAVENEL	0000079137
WGOC	TN	KINGSPORT	0000110828
WKOS	TN	KINGSPORT	0000110834
WQUT	TN	JOHNSON CITY	0000110839
WFBE	MI	FLINT	0000115306
WTRX	MI	FLINT	0000115309
WLCS	MI	NORTH MUSKEGON	0000115192

WBBL	MI	WHITEHALL	0000115193
WVIB	MI	HOLTON	0000115194
WWSN	MI	NEWAYGO	0000115195
WLAW	MI	WHITEHALL	0000115196
WISW	SC	COLUMBIA	0000079154
WHNN	MI	BAY CITY	0000115154
WILZ	MI	SAGINAW	0000115155
WIOG	MI	BAY CITY	0000115156
WKQZ	MI	MIDLAND	0000115158
WAPI	AL	BIRMINGHAM	0000092307
WJOX	AL	BIRMINGHAM	0000092301
WJOX-FM	AL	BIRMINGHAM	0000092302
WZRR	AL	BIRMINGHAM	0000092311
WUHT	AL	BIRMINGHAM	0000092313
WJQX	AL	HELENA	0000092304
WLXC	SC	COLUMBIA	0000079166
WMDH-FM	IN	NEW CASTLE	0000110383
WJRW	MI	GRAND RAPIDS	0000115460
WKLQ	MI	HOLLAND	0000115471
WLAV-FM	MI	GRAND RAPIDS	0000115477
WTNR	MI	GREENVILLE	0000115497
WHTS	MI	COOPERSVILLE	0000115504
WNKT	SC	EASTOVER	0000079182
WOMG	SC	LEXINGTON	0000079190
WMAL-FM	VA	WOODBIDGE	0000074307
WMAL	DC	WASHINGTON	0000074305
WKHX-FM	GA	MARIETTA	0000091767
WJR	MI	DETROIT	0000115426
WDVD	MI	DETROIT	0000115429
WDRQ	MI	DETROIT	0000115432
WWWQ	GA	ATLANTA	0000091763
WGRR	OH	HAMILTON	0000115132
WFTK	OH	LEBANON	0000115133
WNNX	GA	COLLEGE PARK	0000091756
WJJK	IN	NOBLESVILLE	0000109534
WFMS	IN	FISHERS	0000109549
WNDX	IN	LAWRENCE	0000109566
WNTR	IN	INDIANAPOLIS	0000109569
WXNT	IN	INDIANAPOLIS	0000109583
WZPL	IN	GREENFIELD	0000109586
WRRM	OH	CINCINNATI	0000115131

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-B
)	
Beasley Media Group Licenses, LLC	)	FRN: 0004077426
)	
Licensee of Various Commercial Radio Stations)	
)	
)	

ORDER

Adopted: July 22, 2020**Released: July 22, 2020**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Federal Communications Commission (the Commission) and Beasley Media Group Licenses, LLC (Beasley). The Consent Decree resolves the Commission’s investigation into whether Beasley violated section 315(e)(3) of the Communications Act of 1934, as amended (the Act), and section 73.1943(c) of the Commission’s rules in connection with the timeliness of uploads of required information to the online political files of certain of its owned and operated radio stations. To resolve this matter, Beasley agrees, among other things, to implement a comprehensive Compliance Plan and to provide periodic Compliance Reports to the Bureau.

2. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹ and political file obligations have been embodied in section 315(e) of the Act since 2002.² Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,³ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.⁴ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”⁵ Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,⁶ and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”⁷

¹ See 3 Fed. Reg. 1691 (1938).

² 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

³ 47 U.S.C. § 315(e)(1)(A).

⁴ 47 U.S.C. § 315(e)(1)(B).

⁵ 47 U.S.C. § 315(e)(3).

⁶ 47 CFR § 73.1943(a).

⁷ 47 CFR § 73.1943(c).

3. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act⁸ and present their positions to the public prior to an election.⁹ In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”¹⁰

4. Beasley is the licensee of various commercial radio stations across the country. In February 2020, Beasley voluntarily informed the Bureau that many of its stations had not uploaded records of requests for the purchase of political broadcast time in a timely manner. Beasley’s disclosure was consistent with the information that it provided in multiple license renewal applications filed with the Commission during the current license renewal cycle.

5. Following discussions with Bureau staff earlier this year, Beasley informally agreed to adopt a Best Practices Plan and to submit a Compliance Report to the Bureau covering a limited period of time. That Compliance Report revealed a significant improvement by Beasley in complying with its political file obligations. Beasley has now formally agreed to enter into the attached Consent Decree, pursuant to which Beasley admits that it violated its political file obligations by not uploading required records in a timely manner. Beasley further agrees to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Bureau.

6. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Beasley’s compliance with section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

7. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission’s rules,¹¹ the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

8. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

9. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be served via electronic mail to Sally Buckman, Esq., Lerman Senter PLLC, counsel for Beasley Media Group Licenses, LLC, at sbuckman@lermansenter.com.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

⁸ 47 U.S.C. § 315(a).

⁹ Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

¹⁰ *Id.* at 4543-44, para. 16.

¹¹ 47 CFR §§ 0.61(e), 0.283.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-B
)	
BEASLEY MEDIA GROUP LICENSES, LLC	)	FRN: 0004077426
)	
Licensee of Various Commercial Radio Stations)	

CONSENT DECREE

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and Beasley Media Group Licenses, LLC (Beasley), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation, as defined below, into Beasley's compliance with section 315(e)(3) of the Communications Act of 1934, as amended,¹ and section 73.1943(c) of the Commission's rules,² relating the maintenance of online political files. As set forth herein, to resolve this matter, Beasley agrees, among other things, to implement a comprehensive Compliance Plan and provide periodic Compliance Reports to the Bureau.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:

- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
- (b) "Adopting Order" means an Order of the Media Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
- (c) "Bureau" or "Media Bureau" means the Media Bureau of the Commission.
- (d) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.
- (e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission.
- (f) "Compliance Officer" means the individual designated in Paragraph 12 of this Consent Decree as the person responsible for administration of the Compliance Plan.
- (g) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at Paragraph 13.
- (h) "Covered Employees" means all employees and agents of the Company who perform, supervise, oversee, or manage the performance of duties that relate to Beasley's responsibilities under the Political Record-Keeping Statutes and Rules.
- (i) "Effective Date" means the date by which both the Bureau and Beasley have signed the Consent Decree.
- (j) "Beasley" or the "Company" means Beasley Media Group Licenses, LLC and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.

¹ 47 U.S.C. § 315(e)(3).

² 47 CFR § 73.1943(c).

- (k) “Beasley Stations” means all broadcast stations of which Beasley is or becomes the licensee during the term of this Consent Decree.
- (l) “Investigation” means the Bureau’s investigation regarding Beasley’s compliance with the Political Record-Keeping Statutes and Rules.
- (m) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Beasley to implement the Compliance Plan.
- (n) “Parties” means Beasley and the Bureau, each of which is a “Party.”
- (o) “Political Record-Keeping Statutes and Rules” means 47 U.S.C. §§ 315 (e) (3) and 47 CFR §§ 73.1943 (c) and 73.3526 (e)(6);
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,³ and political file obligations have been embodied in section 315(e) of the Act since 2002.⁴ Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,⁵ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.⁶ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”⁷ Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,⁸ and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”⁹

4. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act¹⁰ and present their positions to the public prior to an election.¹¹ In addition, as the Commission has stated, “the disclosures included in the political

³ See 3 Fed. Reg. 1691 (1938).

⁴ 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

⁵ 47 U.S.C. § 315(e)(1)(A).

⁶ 47 U.S.C. § 315(e)(1)(B).

⁷ 47 U.S.C. § 315(e)(3).

⁸ 47 CFR § 73.1943(a)

⁹ 47 CFR § 73.1943(c).

¹⁰ 47 U.S.C. § 315(a).

¹¹ Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

file further the First Amendment's goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy."¹²

5. Beasley is the licensee of 64 commercial radio stations in 15 large and mid-size markets in the United States.¹³ It is a publicly traded company on the NASDAQ exchange. In February 2020, Beasley voluntarily informed the Bureau that many of its stations had not routinely been uploading records of requests for the purchase of political broadcast time in a timely manner. Beasley's disclosure was consistent with the information that it had provided in multiple license renewal applications stating that certain materials were not uploaded to a station's online public files in a timely manner. Following discussions with Bureau and Commission staff, Beasley voluntarily agreed to adopt uniform operating procedures for all of its stations and submit a Compliance Report to the Bureau covering the five-week period spanning the last full week of February and all of March 2020. The Compliance Report that Beasley submitted revealed a dramatic improvement by the Company in complying with its political file obligations.¹⁴ Beasley achieved a substantial level of compliance during the reporting period which coincided with the March 11, 2020, World Health Organization's classification of COVID-19 as a pandemic and the March 13, 2020 Presidential declaration of a national emergency. We recognize that this period has placed the radio broadcast industry as a whole under significant financial stress from a dramatic reduction in advertising revenues. The Bureau believes that Beasley's voluntary disclosure and cooperation, combined with the exceptional circumstances brought about by the COVID-19 coronavirus pandemic, present a unique situation and, on balance, warrant resolution of the Bureau's investigation under the terms and conditions described below. It is in express consideration of these unique conditions that the Bureau, in the exercise of its prosecutorial discretion, forbears from including a civil penalty on the basis of the Beasley Stations' noncompliance during their license terms as an element of the Bureau's agreement to enter this Consent Decree.

III. TERMS OF AGREEMENT

6. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

7. **Jurisdiction.** Beasley agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

9. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process all license renewal applications filed for Beasley's stations during the current renewal term (ending on August 1, 2022) subject to ordinary Audio Division, Media Bureau procedures. In consideration for such, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that, from and after the Effective Date, it will not use any violations of the Political Record-Keeping Statutes and Rules prior to the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against Beasley concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to

¹² *Id.* at 4543-44, para. 16.

¹³ See, <https://bbgi.com/who-we-are> reviewed on May 12, 2020.

¹⁴ Based on its compliance report, Beasley achieved approximately 96% compliance with its political file obligations during the five-week period.

institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.¹⁵

10. **Admission of Liability.** Beasley admits for the purpose of this Consent Decree, and in express reliance on the provisions of Paragraph 9 herein, that the statements described in Paragraph 5 are true and that Beasley failed to upload required information to its online political files in a timely manner and to otherwise maintain full and complete information in its political files, in repeated violation of section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

11. The Company acknowledges that the Commission or its delegated authority may use the facts which form the basis for this Consent Decree and its admission of liability in proposing any future sanctions against the Company in the event the Company is determined to have committed any violations of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to political programming and record keeping or otherwise.¹⁶

12. **Compliance Officer.** To the extent it has not already done so, within thirty (30) calendar days after the Effective Date, the Company shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to Beasley's Chief Executive Officer on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Political Record-Keeping Statutes and Rules prior to assuming his/her duties.

13. **Compliance Plan.** For purposes of settling the matters set forth herein, the Company agrees that it shall, within 90 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Political Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. The Compliance Plan must implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** The Compliance Plan shall include Operating Procedures that all Covered Employees must follow to help ensure the Company's compliance with the Political Record-Keeping Statutes and Rules. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that Beasley Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Political Record-Keeping Statutes and Rules.
- (b) **Compliance Manual.** The Compliance Plan shall include a compliance manual that is distributed to all Covered Employees. Such distribution shall take place no later than 120 calendar days after the Effective Date. The compliance manual shall thoroughly explain the requirements embodied in the Political Record-Keeping Statutes and Rules, and it shall set forth the Operating Procedures (including the compliance checklist) that Covered Employees must follow to help ensure Beasley's compliance with the Political Record-Keeping Statutes and Rules. The Company shall periodically review and revise the compliance manual as necessary to ensure that the information set forth therein remains

¹⁵ See 47 CFR § 1.93(b).

¹⁶ Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E).

current, complete, accurate, and effective. The Company shall distribute any revisions to the compliance manual promptly to all Covered Employees.

- (c) Compliance Training Program. The Compliance Plan shall include a compliance training program to provide periodic training to Covered Employees on compliance with the Political Record-Keeping Statutes and Rules. As part of the compliance training program, Covered Employees shall be advised of the Company's obligation to report any noncompliance with the Political Record-Keeping Statutes and Rules under Paragraph 13(f) of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 150 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Company shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- (d) Industry Education. The Company shall cooperate with the National Association of Broadcasters and state broadcast associations, as appropriate, by encouraging and promoting education and training with respect to the Political Record-Keeping Statutes and Rules for radio broadcasters, including small broadcasters or stations with limited resources.
- (e) Compliance Reports. Beasley shall submit periodic compliance reports with the Bureau. The first compliance report shall be filed no later than December 10, 2020, and cover the 60-day period preceding the general election on November 3, 2020. A second compliance report shall be filed no later than December 10, 2021, and cover the 6-month period preceding the general election on November 2, 2021. The Bureau may, within its sole discretion, require Beasley to submit more frequent or additional compliance reports.
 - i. Each compliance report shall include a spreadsheet and detailed description documenting the Company's efforts during the relevant period to comply with the Political Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. In addition, each compliance report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer has personal knowledge that the Company: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in Paragraph 13(f) of this Consent Decree.
 - ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of the Rules,¹⁷ and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
 - iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Bureau with a detailed explanation of the reason(s) why and

¹⁷ 47 CFR § 1.16.

describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which such proposed remedial action will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.

- iv. Beasley's Chief Executive Officer shall certify that he or she has reviewed each compliance report and that, based on his or her knowledge, the compliance report does not contain any untrue statement of a material fact, does not omit to state a material fact necessary to make the statements made therein, and is not misleading with respect to the period covered by the compliance report.
 - v. All compliance reports shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.
- (f) Reporting Noncompliance. The Company shall report any instance of noncompliance with the Political Record-Keeping Statutes and Rules, and any instance of noncompliance with the terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.

14. **Termination Date**. The requirements set forth in this Consent Decree shall terminate 60 days after the filing of the December 10, 2021 compliance report referenced in Paragraph 13(e), provided the Bureau is satisfied that Beasley has demonstrated substantial compliance with its political file obligations (the "Termination Date"). If the Bureau is not satisfied that Beasley has demonstrated substantial compliance with its political file obligations, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months.

15. The Company acknowledges that the Bureau retains the discretion and authority to propose sanctions against Company, including the issuance of notices of apparent liability for forfeitures, for any suspected or alleged noncompliance by Company with the Political Record-Keeping Statute and Rule that occurs during the term of this Consent Decree.

16. **Waivers**. As of the Effective Date, Beasley waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de*

novus. The Company hereby agrees to waive any claims it may have under the Equal Access to Justice Act¹⁸ relating to the matters addressed in this Consent Decree.

17. **Severability**. The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

18. **Invalidity**. In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

19. **Subsequent Rule or Order**. The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or Order.

20. **Successors and Assigns**. Beasley agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

21. **Final Settlement**. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

22. **Modifications**. This Consent Decree cannot be modified without the advance written consent of both Parties.

23. **Paragraph Headings**. The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

24. **Authorized Representative**. Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

25. **Counterparts**. This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Michelle M. Carey
Chief, Media Bureau

Date

Caroline Beasley
Beasley Media Group Licenses, LLC

Date

¹⁸ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-A
)	
Alpha Media USA LLC	)	FRN: 0025019530
)	
Licensee of Various Commercial Radio Stations)	
)	
)	

ORDER

Adopted: July 22, 2020**Released: July 22, 2020**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Federal Communications Commission (the Commission) and Alpha Media USA LLC (Alpha Media). The Consent Decree resolves the Commission's investigation into whether Alpha Media violated section 315(e)(3) of the Communications Act of 1934, as amended (the Act), and section 73.1943(c) of the Commission's rules in connection with the timeliness of uploads of required information to the online political files of certain of its owned and operated radio stations. To resolve this matter, Alpha Media agrees, among other things, to implement a comprehensive Compliance Plan and to provide periodic Compliance Reports to the Bureau.

2. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹ and political file obligations have been embodied in section 315(e) of the Act since 2002.² Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,³ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.⁴ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files "as soon as possible."⁵ Section 73.1943(a) of the Commission's Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,⁶ and section 73.1943(c) requires stations to upload such information to their online political files "as soon as possible," meaning "immediately absent unusual circumstances."⁷

¹ See 3 Fed. Reg. 1691 (1938).

² 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107-155, 116 Stat. 81 (2002).

³ 47 U.S.C. § 315(e)(1)(A).

⁴ 47 U.S.C. § 315(e)(1)(B).

⁵ 47 U.S.C. § 315(e)(3).

⁶ 47 CFR § 73.1943(a).

⁷ 47 CFR § 73.1943(c).

3. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act⁸ and present their positions to the public prior to an election.⁹ In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”¹⁰

4. Alpha Media is the licensee of various commercial radio stations across the country. In February 2020, Alpha Media voluntarily informed the Bureau that many of its stations had not uploaded records of requests for the purchase of political broadcast time in a timely manner. Alpha Media’s disclosure was consistent with the information that it provided in multiple license renewal applications filed with the Commission during the current license renewal cycle.

5. Following discussions with Bureau staff earlier this year, Alpha Media informally agreed to adopt a Best Practices Plan and to submit a Compliance Report to the Bureau covering a limited period of time. That Compliance Report revealed a significant improvement by Alpha Media in complying with its political file obligations. Alpha Media has now formally agreed to enter into the attached Consent Decree, pursuant to which Alpha Media admits that it violated its political file obligations by not uploading required records in a timely manner. Alpha Media further agrees to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Bureau.

6. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Alpha Media’s compliance with section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

7. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission’s rules,¹¹ the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

8. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

9. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be served via electronic mail to Kathleen A. Kirby, Esq., Wiley Rein LLP, counsel for Alpha Media USA LLC, at kkirby@wiley.law.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey

⁸ 47 U.S.C. § 315(a).

⁹ Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

¹⁰ *Id.* at 4543-44, para. 16.

¹¹ 47 CFR §§ 0.61(e), 0.283.

Chief, Media Bureau

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-A
)	
ALPHA MEDIA USA LLC	)	FRN: 0025019530
)	
Licensee of Various Commercial Radio Stations)	

CONSENT DECREE

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and Alpha Media USA LLC (Alpha Media), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation, as defined below, into Alpha Media's compliance with section 315(e)(3) of the Communications Act of 1934, as amended,¹² and section 73.1943(c) of the Commission's rules,¹³ relating the maintenance of online political files. As set forth herein, to resolve this matter, Alpha Media agrees, among other things, to implement a comprehensive Compliance Plan and provide periodic Compliance Reports to the Bureau.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:

- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
- (b) "Adopting Order" means an Order of the Media Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
- (c) "Bureau" or "Media Bureau" means the Media Bureau of the Commission.
- (d) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.
- (e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission.
- (f) "Compliance Officer" means the individual designated in Paragraph 12 of this Consent Decree as the person responsible for administration of the Compliance Plan.
- (g) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at Paragraph 13.
- (h) "Covered Employees" means all employees and agents of the Company who perform, supervise, oversee, or manage the performance of duties that relate to Alpha Media's responsibilities under the Communications Laws, including the Political Programming and Record-Keeping Statutes and Rules.
- (i) "Effective Date" means the date by which both the Bureau and Alpha Media have signed the Consent Decree.

¹² 47 U.S.C. § 315(e)(3).

¹³ 47 CFR § 73.1943(c).

- (j) “Alpha Media” or the “Company” means Alpha Media USA LLC and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (k) “Alpha Media Stations” means all broadcast stations of which Alpha Media is or becomes the licensee during the term of this Consent Decree.
- (l) “Investigation” means the Bureau’s investigation regarding Alpha Media’s compliance with the Political Programming and Record-Keeping Statutes and Rules.
- (m) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Alpha Media to implement the Compliance Plan.
- (n) “Parties” means Alpha Media and the Bureau, each of which is a “Party.”
- (o) “Political Programming and Record-Keeping Statutes and Rules” means 47 U.S.C. §§ 312(a)(7), 315, and 317; 47 CFR §§ 73.1212, 73.1940, 73.1941, 73.1942, 73.1943, 73.1944, and 73.3526; and other provisions of the Act, the Rules, and Commission orders related to political programming and record-keeping.
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,¹⁴ and political file obligations have been embodied in section 315(e) of the Act since 2002.¹⁵ Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,¹⁶ or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.¹⁷ Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”¹⁸ Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,¹⁹ and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”²⁰

4. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act²¹ and present their positions to the public prior to an election.²² In addition, as the Commission has stated, “the disclosures included in the political

¹⁴ See 3 Fed. Reg. 1691 (1938).

¹⁵ 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

¹⁶ 47 U.S.C. § 315(e)(1)(A).

¹⁷ 47 U.S.C. § 315(e)(1)(B).

¹⁸ 47 U.S.C. § 315(e)(3).

¹⁹ 47 CFR § 73.1943(a).

²⁰ 47 CFR § 73.1943(c).

²¹ 47 U.S.C. § 315(a).

²² Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each

(continued....)

file further the First Amendment's goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”²³

5. Alpha Media is the licensee of 207 commercial radio stations in 44 markets across the country. It is a privately held business.²⁴ In February 2020, Alpha Media voluntarily informed the Bureau that many of its stations had not routinely been uploading records of requests for the purchase of political broadcast time in a timely manner. Alpha Media's disclosure was consistent with the information that it had provided in multiple license renewal applications, the processing of which the Bureau decided to hold in abeyance pending the outcome of its investigation.²⁵ Following discussions with Bureau and Commission staff, Alpha Media voluntarily agreed to adopt a Best Practices Plan and submit a Compliance Report to the Bureau covering the five week period spanning the last full week of February and all of March 2020. The Compliance Report that Alpha Media submitted revealed a dramatic improvement by the Company in complying with its political file obligations.²⁶ Alpha Media achieved a substantial level of compliance during the reporting period which coincided with the March 11, 2020, World Health Organization's classification of COVID-19 as a pandemic and the March 13, 2020, the Presidential declaration of a national emergency. We recognize that this period has placed the radio broadcast industry as a whole under significant financial stress from a dramatic reduction in advertising revenues. The Parties believe that Alpha Media's voluntary disclosure and cooperation, combined with the exceptional circumstances brought about by the COVID-19 coronavirus pandemic, present a unique situation and, on balance, warrant resolution of the Bureau's investigation under the terms and conditions described below. It is in express consideration of these unique conditions that the Bureau, in the exercise of its prosecutorial discretion, forbears from including a civil penalty on the basis of the Alpha Media Stations' noncompliance during their license terms as an element of the Bureau's agreement to enter this Consent Decree.

III. TERMS OF AGREEMENT

6. **Adopting Order**. The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

7. **Jurisdiction**. Alpha Media agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date**. The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

9. **Termination of Investigation**. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process all license renewal applications filed by Alpha Media during the current renewal cycle (ending on August 1, 2022) subject to ordinary

(Continued from previous page) _____

“use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

²³ *Id.* at 4543-44, para. 16.

²⁴ *See*, <https://www.alphamediausa.com> reviewed on May 8, 2020.

²⁵ To date, Alpha has filed 45 license renewal applications during the current license renewal cycle. Of that number, Alpha was able to certify compliance with its public file obligations in only 22 (49%) of its applications. Most, if not all, were attributable to late-filed political records. The applications are listed in Appendix A.

²⁶ Based on its Compliance Report, Alpha achieved approximately 99% compliance with its political file obligations during the five-week period.

Audio Division, Media Bureau procedures. In consideration for such, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against Alpha Media concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.²⁷

10. **Admission of Liability.** Alpha Media admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of Paragraph 9 herein, that the statements described in Paragraph 5 are true and that Alpha Media failed to upload required information to its online political files in a timely manner and to otherwise maintain full and complete information in its political files, in repeated violation of section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

11. Alpha Media acknowledges that the Commission or its delegated authority may use the facts which form the basis for this Consent Decree and its admission of liability in proposing any future sanctions against Alpha Media in the event Alpha Media is determined to have committed any violations of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to political programming and record keeping or otherwise.²⁸

12. **Compliance Officer.** To the extent it has not already done so, within thirty (30) calendar days after the Effective Date, the Company shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to Alpha Media's Chief Executive Officer on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Political Programming and Record-Keeping Statutes and Rules prior to assuming his/her duties.

13. **Compliance Plan.** For purposes of settling the matters set forth herein, the Company agrees that it shall, within 90 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Political Programming and Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. The Compliance Plan must implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** The Compliance Plan shall include Operating Procedures that all Covered Employees must follow to help ensure the Company's compliance with the Political Programming and Record-Keeping Statutes and Rules. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that Alpha Media Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that

²⁷ See 47 CFR § 1.93(b).

²⁸ Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E).

describes the steps that a Covered Employee must follow to ensure compliance with the Political Programming and Record-Keeping Statutes and Rules.

- (b) Compliance Manual. The Compliance Plan shall include a compliance manual that is distributed to all Covered Employees. Such distribution shall take place no later than 120 calendar days after the Effective Date. The compliance manual shall thoroughly explain the requirements embodied in the Political Programming and Record-Keeping Statutes and Rules, and it shall set forth the Operating Procedures (including the compliance checklist) that Covered Employees must follow to help ensure Alpha Media's compliance with the Political Programming and Record-Keeping Statutes and Rules. The Company shall periodically review and revise the compliance manual as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Company shall distribute any revisions to the compliance manual promptly to all Covered Employees.
- (c) Compliance Training Program. The Compliance Plan shall include a compliance training program to provide periodic training to Covered Employees on compliance with the Political Programming and Record-Keeping Statutes and Rules. As part of the compliance training program, Covered Employees shall be advised of the Company's obligation to report any noncompliance with the Political Programming and Record-Keeping Statutes and Rules under Paragraph 13(f) of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 150 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Company shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- (d) Industry Education. The Company shall cooperate with the National Association of Broadcasters and state broadcast associations, as appropriate, by encouraging and promoting education and training with respect to the Political Record-Keeping Statutes and Rules for radio broadcasters, including small broadcasters or stations with limited resources.
- (e) Compliance Reports. Alpha Media shall submit periodic compliance reports with the Bureau. The first compliance report shall be filed no later than December 10, 2020, and cover the 60-day period preceding the general election on November 3, 2020. A second compliance report shall be filed no later than December 10, 2021, and cover the 6-month period preceding the general election on November 2, 2021. The Bureau may, within its sole discretion, require Alpha Media to submit more frequent or additional compliance reports.
 - i. Each compliance report shall include a spreadsheet and detailed description documenting the Company's efforts during the relevant period to comply with the Political Programming and Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. In addition, each compliance report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer has personal knowledge that the Company: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of **any instances**

of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in Paragraph 13(f) of this Consent Decree

- ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of the Rules,²⁹ and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
 - iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Bureau with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which such proposed remedial action will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
 - iv. Alpha Media's Chief Executive Officer shall certify that he or she has reviewed each compliance report and that, based on his or her knowledge, the compliance report does not contain any untrue statement of a material fact, does not omit to state a material fact necessary to make the statements made therein, and is not misleading with respect to the period covered by the compliance report.
 - v. All compliance reports shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.
- (f) Reporting Noncompliance. The Company shall report any instance of noncompliance with the Political Programming and Record-Keeping Statutes and Rules, and any instance of noncompliance with the terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.

14. **Termination Date**. The requirements set forth in this Consent Decree shall terminate 60 days after the filing of the final compliance report referenced in Paragraph 13(e), provided the Bureau is satisfied that Alpha Media has demonstrated substantial compliance with its political file obligations. If the Bureau is not satisfied that Alpha Media has demonstrated substantial compliance with its political file obligations, the Bureau may, within its sole discretion and authority, extend the termination date

²⁹ 47 CFR § 1.16.

of this Consent Decree for up to an additional 24 months. The Company acknowledges that the Bureau retains the discretion and authority to propose sanctions against Company, including the issuance of notices of apparent liability for forfeitures, for any suspected or alleged noncompliance by Company with the Political Record-Keeping Statute and Rule that occurs during the term of this Consent Decree.

15. **Waivers.** As of the Effective Date, Alpha Media waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may have under the Equal Access to Justice Act³⁰ relating to the matters addressed in this Consent Decree.

16. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

17. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

18. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or Order.

19. **Successors and Assigns.** Alpha Media agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

20. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

21. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

22. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

23. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on

³⁰ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

24. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Michelle M. Carey
Chief, Media Bureau

Date

William McElveen
Alpha Media USA LLC

Date

Appendix A

<u>Station Call Sign</u>	<u>Community of License</u>	<u>Application for License Renewal File No.</u>
WSCZ(FM)	Winnsboro, SC	0000079346
WWDM(FM)	Sumter, SC	0000079344
WPCO(AM)	Columbia, SC	0000079341
WMFX(FM)	St. Andrews, SC	0000079326
WHXT(FM)	Orangeburg, SC	0000079299
WARQ(FM)	Columbia, SC	0000079292
WHHW(AM)	Hilton Head Island, SC	0000079281
WRWN(FM)	Port Royal, SC	0000079286
WUBB(FM)	Bluffton, SC	0000079283
WFXH-FM	Hilton Head Island, SC	0000079278
WNTX(AM)	Fredericksburg, VA	0000073942
WHAG(AM)	Halfway, MD	0000073814
WWUZ(FM)	Bowling Green, VA	0000073898
WVBX(FM)	Spotsylvania, VA	0000073906
WFLS-FM	Fredericksburg, VA	0000073909
WDLD(FM)	Halfway, MD	0000073813
WCEN-FM	Hemlock, MI	0000115472
WTLZ-FM	Saginaw, MI	0000115467
WGER(FM)	Saginaw, MI	0000115459
WSGW-FM	Carrollton, MI	0000115455
WSGW(AM)	Saginaw, MI	0000115449
WROU-FM	West Carrollton, OH	0000115540
WCLI-FM	Enon, OH	0000115531
WING(AM)	Dayton, OH	0000115527
WGTZ(FM)	Eaton, OH	0000115522
WDHT(FM)	Urbana, OH	0000115518
WHBC-FM	Canton, OH	0000115509
WHBC(AM)	Canton, OH	0000115491
WXMA(FM)	Louisville, KY	0000111214
WMJM(FM)	Jeffersontown, KY	0000111207
WGHL(FM)	Shepherdsville, KY	0000111204
WGZB-FM	Lanesville, IN	0000111201
WDJX(FM)	Louisville, KY	0000111194
WKXI-FM	Magee, MS	0000104947
WJQS(AM)	Jackson, MS	0000104959
WJNT(AM)	Pearl, MS	0000104950
WJMI-FM	Pearl, MS	0000104941
WRKS(FM)	Pickens, MS	0000104978
WOAD(AM)	Jackson, MS	0000104970
KDKS-FM	Blanchard, LA	0000104921
KOKA(AM)	Shreveport, LA	0000104913
KLKL(FM)	Minden, LA	0000104930
KBTT(FM)	Haughton, LA	0000104908
WGCO(FM)	Midway, GA	0000091632 as amended by 0000094736
WXYY(FM)	Rincon, GA	0000091627 as amended by 0000094738