

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

In re Applications of
FARMWORKER EDUCATIONAL RADIO NETWORK, INC.
For Renewal of License for Station KRIT(FM) Parker, Arizona
Facility ID No. 88674
NAL/Acct. No. MB-201741410001
FRN: 0006159495
File Nos. BRH-20050531BJQ and BRH-20130603AEB

ORDER

Adopted: December 5, 2017

Released: December 6, 2017

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau) and Farmworker Educational Radio Network, Inc. (Licensee or FERN), licensee of Station KRIT(FM), Parker, Arizona (Station). The Consent Decree resolves issues arising from the Bureau's review of the captioned applications filed in 2005 (2005 Renewal Application)1 and 2013 (2013 Renewal Application),2 respectively, for renewal of the Station's license.3 Concerning the 2005 Renewal Application, the Consent Decree resolves whether FERN violated Section 73.35264 of the FCC's rules (Rules) by failing to retain all required documentation in the Station's public file and Section 1.175 of the Rules by making inaccurate statements. Regarding the 2013 Renewal Application, the Consent Decree resolves whether FERN violated Section 73.17406 of the Rules by discontinuing operation of the Station without timely requesting special temporary authority (STA).

2. The Consent Decree concludes the Bureau's investigation of FERN's compliance with the FCC's rules and the Communications Act of 1934, as amended (Act). As detailed in the Consent Decree, during the term covered by the 2005 Renewal Application, the Station's public file was missing quarterly issues and programs lists required by Section 73.3526(e)(12)7 of the Rules. Furthermore, FERN made

1 File No. BRH-20050531BJQ.

2 File No. BRH-20130603AEB.

3 Collectively, the 2005 Renewal Application and the 2013 Renewal Application will be referred to as the Renewal Applications.

4 47 CFR § 73.3526.

5 47 CFR § 1.17.

6 47 CFR § 73.1740.

7 47 CFR § 73.3526(e)(12).

inaccurate statements concerning the condition of the Station's public file in violation of Section 1.17 of the Rules. In addition, during the period covered by the 2013 Renewal Application, the Station had periods of non-operation that were not authorized by the Commission as required by Section 73.1740 of the Rules.

3. The Consent Decree stipulates that FERN violated Sections 73.3526, 1.17, and 73.1740 of the Rules. The Consent Decree further requires FERN to make a civil penalty payment of twenty thousand dollars (\$20,000) to the United States Treasury and adhere to a Compliance Plan, as set forth in the Appendix to the Consent Decree. A copy of the Consent Decree is attached hereto and incorporated by reference.

4. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's investigation of potential violations of the Rules and the Act.

5. Based on the record before us, we conclude that nothing in that record creates a substantial and material question of fact as to whether FERN possesses the basic qualifications to be a Commission licensee. In addition, in view of the extensive periods of silence, authorized and unauthorized, we find that subject to the satisfaction of the terms and conditions set forth in the Consent Decree, the 2005 Renewal Application and the 2013 Renewal Application should be granted simultaneously, but only for a term of two (2) years.⁸

6. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,⁹ and by the authority delegated by Sections 0.61 and 0.283 of the Rules,¹⁰ the Consent Decree attached hereto IS ADOPTED without change, addition, or modification.

7. IT IS FURTHER ORDERED that the investigation by the Media Bureau of the matters noted above IS TERMINATED.

8. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Farmworker Educational Radio Network, Inc., 29700 Tehachapi Road, P.O. Box 62, Keene, CA 93531 and to its counsel, Brad C. Deutsch, Esq., Garvey Schubert Barer, 1000 Potomac Street, N.W., Flour Mill Building, Suite 200, Washington, DC 20007.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

⁸ See 47 U.S.C. § 309 (k) (permitting the Commission to grant an application "on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted."). See also *LKCM Radio Group, LP*, Memorandum Opinion and Order and Notice of Apparent Liability, 29 FCC Rcd 1045 (MB 2014) (two-year renewal and NAL for station with incomplete public file that was silent for nearly half of the current licensee's portion of the license term).

⁹ 47 U.S.C. § 154(i).

¹⁰ 47 CFR §§ 0.61, and 0.283.

CONSENT DECREE**I. Introduction**

1. This Consent Decree is entered into by and between the Media Bureau of the Federal Communications Commission, Farmworker Educational Radio Network, Inc., licensee of Station KRIT(FM), Parker, Arizona (Facility ID No. 88674), for the purpose of terminating the Bureau's Investigation concerning compliance with Sections 73.3526, 1.17, and 73.1740 of the FCC's rules, 47 CFR §§ 73.3526, 1.17, and 73.1740.

II. Definitions

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

- (a) "2005 Renewal Application" means the FCC Form 303-S license renewal application filed by FERN for the Station's license term ending on October 1, 2005 (File No. BRH-20050531BJQ);
- (b) "2013 Renewal Application" means the FCC Form 303-S license renewal application filed by FERN for the Station's license term ending on October 1, 2013 (File No. BRH-20130603AEB);
- (c) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. §151 *et seq.*;
- (d) "Adopting Order" means the order of the Bureau adopting this Consent Decree;
- (e) "Bureau" means the Media Bureau of the Federal Communications Commission;
- (f) "Civil Penalty" means the payment FERN has agreed to pay to the United States Treasury;
- (g) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices;
- (h) "Compliance Plan" means the compliance plan provided in the Appendix hereto;
- (i) "Current License Term" means the license term ending October 1, 2013;
- (j) "Effective Date" means the date on which the Bureau releases the Order;
- (k) "Investigation" means the Bureau's investigation of issues arising from the 2005 Renewal Application and the 2013 Renewal Application, as detailed herein;
- (l) "Implementation Date" means the date on which the Compliance Plan commences and will occur within 60 days of the Effective Date of the Consent Decree;
- (m) "Licensee" or "FERN" refers to Farmworker Educational Radio Network, Inc.;
- (n) "Parties" means FERN and the Bureau;
- (o) "Previous License Term" means the license term ending October 1, 2005;
- (p) "Public File Rule" means Section 73.3526 of the FCC's rules, 47 CFR § 73.3526;
- (q) "Renewal Applications" refers to the 2005 Renewal Application and the 2013 Renewal Application;
- (r) "Rules" means the FCC's rules, found in Title 47 of the Code of Federal Regulations;

- (s) “STA” means Special Temporary Authority;
- (t) “STA Rule” means Section 73.1740 of the FCC’s rules, 47 CFR § 73.1740;
- (u) “Station” means Station KRIT(FM), Parker, Arizona (Facility ID No. 88674);
- (v) “Truthful Statements Rule” means Section 1.17 of the FCC’s rules, 47 CFR § 1.17; and
- (w) “Violations” means the violations of the Public File Rule, STA Rule, and Truthful Statements Rule.

III. Background

3. *2005 Renewal Application.* Section III, Item 3 of FCC Form 303-S requests that the licensee certify that the documentation required by the Public File Rule, has been placed in the Station’s public inspection file at the appropriate times. On May 31, 2005, FERN filed the 2005 Renewal Application and indicated “No” to that certification, stating:

See Exhibit . . . above [disclosing two late-filed Biennial Ownership Reports].¹¹ To the best of the licensee’s knowledge, copies of all other documents required to be maintained in the station’s local public inspection file were prepared and placed in the public file when they were due.¹²

4. Before and after the 2005 Renewal Application’s filing, the FCC’s San Diego Field Office (Field Office) inspected the Station on three separate occasions: February 12, 2004, (February 2004 Inspection); August 29, 2005, (August 2005 Inspection); and March 15, 2006, (March 2006 Inspection).¹³ On each inspection, the Field Office found that the Station’s public file was incomplete and missing certain required issues/programs lists.¹⁴ Moreover, after each inspection the Field Office provided detailed written and oral information to numerous FERN employees regarding the Station’s public file deficiencies.¹⁵ Notwithstanding the Field Office’s extensive and repeated notices to FERN that the Station’s public file was missing required issues/programs, FERN did not disclose in the 2005 Renewal Application, either at the time of filing or thereafter by amendment, that the Station was missing issues/programs lists.¹⁶

5. *2013 Renewal Application.* Section 73.1740 of the Rules requires broadcast stations to

¹¹ See 2005 Renewal Application, Exhibit 9, in which FERN disclosed that Biennial Ownership Reports for 2002 and 2004 were not timely filed.

¹² *Id.*, Exhibit 12.

¹³ See *Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau to Anthony Chavez*, at 2-3, Ref. 1800B3-JP (MB Oct. 23, 2007). (*2007 Staff Letter*). In the February 2004 Inspection, the Field Office also found that the Station lacked a main studio and a local phone number in violation of Section 73.1125(a) and (e) of the Rules. (Main Studio Violations). Thereafter, the Enforcement Bureau issued a \$7,000 forfeiture for the Main Studio Violations which FERN satisfied. See *Farmworker Educational Radio Network, Inc.*, Forfeiture Order, 20 FCC Rcd 14294 (EB 2005). The Main Studio Violations are not part of this proceeding.

¹⁴ *Id.* at 2-3. Specifically, with respect to issues/programs lists, the Station’s public file was missing issues/programs lists for the entire year of 2003, the fourth quarter of 2004, and the third and fourth quarters of 2005. *Id.* at 3. In addition, the issues/programs list for the second quarter of 2005 ended on April 11, 2005, instead of June 30, 2005. *Id.* Furthermore, the issues/programs lists contained in the Station’s public file were not in the proper format as required by Section 73.3526(e)(12) of the Rules. *Id.*

¹⁵ *Id.*

¹⁶ See 2005 Renewal Application, Exhibit 12.

adhere to minimum operating requirements.¹⁷ If a station is unable to do so for more than 30 days, it must request authorization to remain silent.¹⁸ Section III, Item 4 (Minimum Operating Schedule) of the FCC Form 303-S requests that the licensee certify that during the preceding license term the Station has not been silent for any period more than 30 days.

6. On June 3, 2013, FERN filed the 2013 Renewal Application, as a supplemental license renewal application, seeking to renew the Station's license term from October 1, 2013, to September 30, 2021, and answered "No" to that certification. FERN stated that during the Current License Term, because of financial difficulties the Station had been silent for four discrete periods, none of which exceeded 365 days, in the years 2008 – 2013.¹⁹ FERN requested an STA for some, but not all, of the periods the Station was silent. Specifically, during the Current License Term FERN failed to request STA on three separate occasions.²⁰ Additionally, subsequent to the 2013 Renewal Application's filing,²¹ the Station experienced another period of unauthorized silence.²²

7. Because of the compliance issues raised by the information detailed above, the Parties have negotiated this Consent Decree to sanction FERN for the Violations and implement the Compliance Plan. The Parties acknowledge that any proceedings that might result from the Violations would be time-consuming and require a substantial expenditure of public and private resources. In order to conserve such resources, resolve the matter, and promote the Station's compliance with the Rules, the Parties are

¹⁷ See 47 CFR § 73.1740(a)(1) (requirements for commercial AM and FM stations).

¹⁸ See 47 CFR § 73.1740(a)(4) Notwithstanding the grant of such authority, the license of any station that is silent for 12 consecutive months will forfeit automatically pursuant to Section 312(g) of the Act. See 47 U.S.C. § 312(g).

¹⁹ Specifically, in 2008, FERN requested an STA to remain silent as of November 18, 2008. See File No. BLSTA-20081210AEB (2008 STA). The Station resumed operations on November 16, 2009. Therefore, Commission staff dismissed the then-pending 2008 STA on December 14, 2009. In 2009, the Station went silent on November 20, 2009, but did not request an STA until December 31, 2009. See File No. BLSTA-20091231ACB (2009 STA). Commission staff granted the 2009 STA with an expiration date of September 7, 2010. FERN did not file an application to extend the 2009 STA, and the Station resumed operations on November 14, 2010. In 2010, the Station went silent on November 16, 2010, but did not request an STA until January 6, 2011. See File No. BLSTA-20110106AAC (2011 STA). Commission staff granted the 2011 STA with an expiration date of November 16, 2011. The Station resumed operations on November 13, 2011. In 2012, FERN requested an STA to remain silent as of April 28, 2012. See File No. BLSTA-20120507ABL (2012 STA). Commission staff granted the 2012 STA with an expiration date of December 17, 2012. On December 14, 2012, FERN requested an extension of the 2012 STA because of economic concerns, which Commission staff granted with an expiration date of April 29, 2013. The Station resumed operations on April 22, 2013.

²⁰ In particular, the Station was silent without authorization: November 20, 2009 – December 31, 2009; September 8, 2010 – November 13, 2010; and November 16, 2010 – January 6, 2011.

²¹ Although the license expired on October 1, 2005, the silence after that time is relevant because its license renewal applications remained pending. See *Roger L. Hoppe, II*, Memorandum Opinion and Order, 31 FCC Rcd 8790, 8795 n.7 (MB 2016) (citing *Fox Television Stations, Inc.*, 29 FCC Rcd 9564, 9571, n.40 (MB 2014), citing 47 U.S.C. §§ 309(k)(1), 307(c)(3) (directing the Commission to "continue [a] license in effect" pending its review of a renewal application), 47 U.S.C. §§ 307(c), 503(b)(6) ("A separate license term shall not be deemed to have commenced as a result of continuing a license in effect under section 307(c) pending a decision on an application for renewal of the license.")).

²² On March 4, 2015, FERN requested an STA to remain silent. See File No. BLSTA-20150304ACW (2015 STA), commencing on February 6, 2015, due to technical difficulties. On April 9, 2015, Commission staff granted the STA with an expiration date of October 6, 2015. FERN did not file an application to extend the 2015 STA, but resumed operations on February 1, 2016. Therefore, the Station was silent without authorization from October 7, 2015 – January 31, 2016. To date, FERN has not requested any additional STAs and Commission records indicate the Station is currently on the air.

entering into this Consent Decree, in consideration of the mutual commitments made herein.

IV. Terms of Agreement

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

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

10. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. Upon the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Licensee agrees that each is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent that Licensee fails to satisfy any condition or FCC rule, in the absence of Commission alteration of the condition or rule, it will be deemed noncompliant and may be subject to possible enforcement action, including, but not limited to, revocation of the relief, designation of the matter for hearing, letters of admonishment and/or forfeitures. Any violation of the Adopting Order or the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to enforcement of a Commission order.

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 consideration for the termination of the Investigation, Licensee agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the Violations in any action against Licensee, provided that it satisfies all of its obligations under this Consent Decree. In the event that either Licensee fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

12. **Admission of Liability.** FERN stipulates that it violated:

- (i) the Public File Rule by failing to prepare and place in the Station's public file quarterly issues and programs lists of public affairs programming broadcast by the Station during the Previous License Term in violation of Section 73.3526 of the FCC's rules;
- (ii) the Truthful Statements Rule by making inaccurate statements in the 2005 Renewal Application and in written communications with Commission staff concerning the contents of the Station's public file during the Previous License Term in violation of Section 1.17(a)(2) of the FCC's rules; and
- (iii) the STA Rule by failing to request permission to remain silent for all periods of non-operation greater than 30 days in violation of Section 73.1740 of the FCC's rules. Specifically, during the Current License Term, FERN admits that it was silent without authorization on November 20, 2009 – December 31, 2009; September 8, 2010 – November 13, 2010; and November 16, 2010 – January 6, 2011. FERN further admits that after the Current License Term it was silent without authorization on October 7, 2015 – January 31, 2016.

13. **Civil Penalty.** Licensee agrees to make a civil penalty payment to the United States Treasury in the amount of twenty thousand dollars (\$20,000), within thirty (30) calendar days of the Effective Date (Civil Penalty). Licensee acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a "Claim" or "Debt" as defined in Section 3701(b)(1) of the Debt Collection

Improvement Act of 1996.²³

14. **Payment.** Licensee will also send electronic notification of payment to Kim Varner at Kim.Varner@fcc.gov and Karen Workeman at Karen.Workeman@fcc.gov on the date said payment is made. Such payment will be made, without further protest or recourse to a *trial de novo*, by a check or similar instrument, wire transfer or credit card and must include the Account Number and FRN referenced in the caption to the Order. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to the Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lock box #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

15. **Qualifications; Agreement to Grant.** The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether Licensee possesses the basic qualifications, including those relating to character, to hold a Commission license or authorization. Accordingly, the Bureau agrees to grant the Renewal Applications, after the Effective Date, provided that the following conditions have been met: 1) the Civil Penalty payment, referenced in paragraph 14 of this Decree, has been fully and timely satisfied; and 2) there are no issues other than the Violations that would preclude grant of the Renewal Applications. In addition, because of the extended periods of non-operation, both authorized and unauthorized, during the Current License Term, the Bureau agrees to grant the Renewal Applications simultaneously, as conditioned above, for a shortened time period of two (2) years.

16. **Waivers.** Licensee agrees to waive any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Adopting Order, provided the Consent Decree is adopted without change, addition or modification. If any 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, no Party will contest the validity of the Consent Decree or Adopting Order, and Licensee will waive any statutory right to a *trial de novo*. Licensee further agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. Section 504 and Section 1.1501 *et seq.* of the FCC’s rules on relating to the matters herein.

17. **Severability.** The Parties agree that if a court of competent jurisdiction renders any of the provisions of this Consent Decree unenforceable, such unenforceability shall not render unenforceable the

²³ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

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 will 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 Licensee does not expressly consent), such provision will be superseded by such Rule or Order.

20. **Successors and Assigns.** Licensee 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 or amended without the advance written consent of all 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 Party 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 counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: _____
Michelle M. Carey, Chief

Date: _____

**FARMWORKER EDUCATIONAL RADIO
NETWORK, INC.**

By: _____
Paul Park, Secretary, Farmworker Educational
Radio Network, Inc.

Date: _____

APPENDIX**COMPLIANCE PLAN FOR STATION KRIT(FM)**

For a period of three (3) years²⁴ commencing on the Implementation Date of the Compliance Plan, Farmworker Educational Radio Network, Inc., or any other successor-in-interest, as appropriate, will institute the following procedures to ensure compliance with the FCC's Rules. Unless otherwise provided, all terms defined in the Consent Decree apply to this Compliance Plan.

- I.
 - A. The Station Manager and other appropriate staff of the Station will log all broadcasts of programming which, in the Licensee's judgment, constitutes public affairs and public service programming, broadcast by the Station. These logs will be compiled into quarterly issues and programs lists and will be timely placed in the public file of the Station.
 - B. All such quarterly issues and programs lists will be dated and identify their preparer before they are placed in the public file.
 - C. Late-filed lists will be reviewed by the Station's management and accompanied in the Station's public file with a statement indicating the name and title of the reviewer, the nature of the document, the date it is being placed in the public file, and the reason for the late filing.
 - D. Within 30 days of the Effective Date of this Compliance Plan, Licensee will conduct training for all Station staff and management on compliance with the Rules. This training will include the Rules regarding truthful statements to the FCC and the continuing obligation to maintain the accuracy and completeness of FCC applications. The training will also include the Rules regarding Station operations including the need to obtain Commission authorization for any Station silent periods of more than 30 days. Additionally, Licensee will conduct refresher training for staff and management at least once every twelve (12) months, and will train any new Station staffer within five (5) business days of commencement of his or her duties at the Station.
 - E. Within 30 days of the Effective Date of this Compliance Plan, Licensee will also designate a Compliance Officer responsible for responding to staff questions, consulting with counsel familiar with Communications law regarding compliance matters, and reviewing Licensee's applications and reports prior to filing with the FCC. In regard to the last matter, the Compliance Officer will be responsible for ensuring that any and all information provided to the FCC completely and candidly sets forth all relevant facts and circumstances, regardless of whether such submission may disclose a violation of the Act or the Rules.
- II. Licensee and/or any successor licensee, as appropriate, will conduct annual audits of the Station's public file on or about the anniversary date of the Effective Date of the Consent Decree. The three-year period will terminate on the successful completion of the third annual public file audit. The second and third audits will be due on the anniversary of the first audit.

²⁴ This period of time is premised on the grant of the Licensee's interim renewal application, which is due two years after the concurrently granted 2005 Renewal and 2013 Renewals (as provided for *supra*). If this interim renewal application is not granted, then the Compliance Plan will terminate at the end of the two-year renewal period specified for the 2005 Renewal and 2013 Renewals if and when they eventually are granted.

- III. Licensee shall annually submit a sworn certification to the Commission, signed by Licensee, that the Station's public file fully complies with the Public File Rule. If the Licensee cannot truthfully make this certification, it shall set forth in detail any public file deficiencies and describe any corrective measures taken. This report shall be filed within ten (10) days of the completion of the first annual public file audit pursuant to Item II above, and on that date yearly thereafter for two additional years. A copy will be served on Michael F. Wagner, Assistant Chief, Audio Division, Media Bureau, Federal Communications Commission and e-mailed to him at Michael.Wagner@fcc.gov.
- IV. This Compliance Plan will be under the direct supervision of Bill Barquin, Chief Operating Officer of Licensee, or by any member of Licensee designated by Bill Barquin, or in the event Bill Barquin is no longer with Licensee or if the license has been assigned, by his/her successor or his/her successor's designee who is affiliated with the successor Licensee's Board.