

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

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| In the Matter of |) | |
| |) | |
| Expansion of Online Public File Obligations |) | MB Docket No. 14-127 |
| To Cable and Satellite TV Operators and |) | |
| Broadcast and Satellite Radio Licensees |) | |
| |) | |
| Requests for Additional Time to Comply |) | |
| With the Online Public Inspection File |) | |
| Requirement |) | |

ORDER

Adopted: April 24, 2018

Released: April 24, 2018

By the Chief, Media Bureau:

I. INTRODUCTION

1. We have received fifteen requests,¹ filed on behalf of 39 radio stations,² for additional time to comply with the requirement that the stations establish an online public inspection file by March 1, 2018.³ These requests seek varying amounts of additional time, between 30 days to one year, to transition to the online public file.⁴ For the reasons discussed below, we grant all of the stations that are the subject of these requests an extension of 60 days from the date of this Order to comply with the online public inspection file requirement.

¹ See Letter from Ernest T. Sanchez, Counsel for Guam Power, II, Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*GP Request*); Letter from Ernest T. Sanchez, Counsel for Management Advisory Services, to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*MAS Request*); Letter from Matthew H. McCormick and Keenan P. Adamchak, Counsel for Nicwild Communications, Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*Nicwild Request*); Letter from Frank R. Jazzo and Keenan P. Adamchak, Counsel for KNOM Radio Mission, Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 7, 2018) (*KNOM Request*); Letter from Matthew H. McCormick and Mark C. DeSantis, Counsel for Sumter Baptist, Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 7, 2018) (*Sumter Request*); Letter from Matthew H. McCormick and Keenan P. Adamchak, Counsel for Northeast Indiana Broadcasting, Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*Northeast Request*); Letter from Matthew H. McCormick and Keenan P. Adamchak, Counsel for Star Communications, Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*Star Request*); Letter from Matthew H. McCormick and Keenan P. Adamchak, Counsel for Estuardo Valdemar and Leonor Rodriguez, to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*Valdemar and Rodriguez Request*); Letter from Matthew H. McCormick and Mark C. DeSantis, Counsel for Calvary Radio Network, Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 14, 2018) (*Calvary Request*); Letter from Matthew H. McCormick and Keenan P. Adamchak, Counsel for The McLaurin Group, to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*McLaurin Request*); Letter from Noah Britt, President of Tri City Radio, LLC, to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*Tri City Request*); Letter from Lauren Lynch Flick, Counsel for True Concepts of Levy County, Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 20, 2018) (*True Concept Request*); Letter from Lauren Lynch Flick, Counsel for Lottie L. Foster, to Marlene H. Dortch, Secretary, FCC (Mar. 20, 2018) (*Foster Request*); Letter from William K. Keane and F. Reid Avett, Counsel for Pan Caribbean Broadcasting De P.R., Inc., to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2018) (*Pan Caribbean Request*); and Letter from Peter Tannenwald, Counsel for Martin Broadcasting Company, to Marlene H. Dortch, Secretary, FCC (Feb. 28, 2018) (*Martin Request*).

² A list of the requests and the radio stations for which they were filed is attached as Appendix A.

³ See 47 CFR §§ 73.3526(b)(3)(iii), 73.3527(b)(2)(ii). See also *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, Report and Order, 31 FCC Rcd 526, 543, para. 42 (2016) (*Expanded Online Public File Order*).

⁴ The amount of additional time sought by each request is indicated in Appendix A.

II. BACKGROUND

2. On April 27, 2012, the Commission adopted enhanced disclosure rules requiring television broadcast stations to post their public inspection files to an online database hosted by the Commission.⁵ The Commission's goal was to improve the public's access to information and to facilitate dialogue between broadcast stations and the communities they serve.⁶ On January 28, 2016, the Commission expanded the list of entities that must post their public inspection files to the Commission-hosted online database to include broadcast radio licensees as well as cable operators, satellite television providers, and satellite radio licensees.⁷

3. Commercial radio stations in the top 50 Nielsen Audio radio markets with five or more full-time employees were required to commence uploading their new public inspection file documents to the online public file on June 24, 2016.⁸ All other radio stations were exempt from the online public file requirements until March 1, 2018.⁹ As of March 1, 2018, these radio entities were required to have placed all existing public file material in the online public file, with the exception of existing political file material,¹⁰ and to begin placing all new public and political file material in the online file on a going-forward basis.

4. In the *Expanded Online Public File Order*, the Commission noted that, while it believed that online posting of the public file would not impose an unreasonable burden on the vast majority of entities subject to the rules adopted in the order, "there may be a few entities for which the transition to an online public inspection file may prove especially difficult."¹¹ In this regard, the Commission noted that "there may be rare instances in which a small radio station... faces undue economic or other resource limitations that make the transition to the online public file especially challenging."¹² In such circumstances, the Commission permitted stations to seek a waiver of the requirements adopted in the order.¹³ The Commission stated that the entity seeking a waiver should provide the Commission "with information documenting the economic hardship the station would incur in complying with online file requirements, its technical inability to do so, or such other reasons as would warrant waiver under our general waiver standards."¹⁴ The Commission also stated that it would be "favorably inclined to grant requests for additional time to commence online filing" from very small radio stations with fewer than five full-time employees, as these stations "may have limited resources and find the transition to the online file

⁵ See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Report and Order, 27 FCC Rcd 4535 (2012) (Second Report and Order).

⁶ *Id.* at 4541, para. 12..

⁷ *Expanded Online Public File Order*, 31 FCC Rcd at 527, para. 1.

⁸ *Effective Date Announced for Expanded Online Public Inspection File Database*, Public Notice, DA 16-536 (MB May 12, 2016). These entities had until December 24, 2016 to place their new public inspection file documents into the online public file. *Id.* Entities were not required to upload to the online file their then-existing political files, however. See *Expanded Online Public File Order*, 31 FCC Rcd at 542-43, para. 41.

⁹ Radio stations subject to the March 1, 2018 online public file deadline are all NCE radio broadcast stations, commercial radio broadcast stations in the top 50 Nielsen Audio markets with fewer than five full-time employees, and all commercial radio broadcast stations in markets below the top 50 or outside all markets.

¹⁰ See *supra* n. 8.

¹¹ *Expanded Online Public File Order*, 31 FCC Rcd at 544, para. 44.

¹² *Id.*

¹³ See *id.* Pursuant to Section 1.3 of the Commission's rules, the Commission may waive any provision of its rules if it determines that good cause has been shown. 47 CFR § 1.3.

¹⁴ *Expanded Online Public File Order*, 31 FCC Rcd at 544, para. 44. See also 47 CFR § 1.3.

particularly challenging.”¹⁵

5. Of the fifteen requests for additional time to comply with the March 1, 2018 deadline to transition to the online public file, eleven were filed on behalf of stations with fewer than five full-time employees.¹⁶ These requests generally argue that the stations need additional time to comply with the requirement to transition to an online public file due to the stations’ limited human, financial, and/or technical resources.¹⁷

6. With respect to the other four requests for additional time, one was filed on behalf of two stations, one in Puerto Rico and one in the U.S. Virgin Islands, requesting additional time because of damage caused by Hurricanes Irma and Maria.¹⁸ Another was filed on behalf of a noncommercial educational AM station that claims it has limited financial, technical, and human resources and needs additional time because “compliance with the online public inspection file requirement at this time would subject [the licensee] to undue economic hardship.”¹⁹ The last two requests were filed on behalf of stations that are currently off the air and, according to the requests, have no revenue and no employee available to implement the online file requirement.²⁰ These requests state that the station licensee has agreed to transfer the station license to another entity, subject to Commission approval, and is expecting to resume broadcasting in the next 30-60 days.²¹

III. DISCUSSION

7. Based on the grounds set forth in the extension requests, we conclude that the stations listed in Appendix A have demonstrated good cause for an extension of 60 days from the date of this Order to comply with the requirement to establish an online public file. Although we recognize that the delay in establishing online files for these stations may cause some inconvenience to the public, we find that a short delay is justified in these limited circumstances. We note that, for some stations, this extension is longer than the amount of time requested.²² We conclude that, for purposes of administrative efficiency, it is reasonable to provide all stations that filed requests for additional time to comply with the same amount of time to complete their transition to the online file, but we encourage any station that is able to complete its transition in a shorter amount of time to do so. We decline, at this time, to grant longer extensions to any of the stations. We note that it appears that the vast majority of radio stations have now successfully transitioned to the online file, as we have received relatively few requests for additional time to comply.²³

8. We note that the extension requests we received generally not did provide the “information

¹⁵ *Expanded Online Public File Order*, 31 FCC Rcd at 544, n. 118.

¹⁶ *See Sumter Request at 2; Northeast Request at 2; Nicwild Request at 2; Star Request at 2; Valdemar and Rodriguez Request at 2; Calvary Request at 2; McLaurin Request at 2, Tri City Request at 1, True Concepts Request at 2, Foster Request at 2, and Martin Request at 1.*

¹⁷ *Id.* In addition, Tri City states that it suffered severe damage to its studio roof as a result of a hurricane. *Tri City Request at 1.*

¹⁸ *See Pan Caribbean Request at 1.*

¹⁹ KNOM Request at 2.

²⁰ *See GP Request at 1 (re KVOG-AM, Agana, Guam) and MAS Request at 1 (re KUSG-AM, Agana, Guam).* We note that these stations do not have a current FCC authorization to be off-the-air.

²¹ *Id.*

²² Some stations requested an extension of only 30 days or two months. *See Appendix A.*

²³ In addition to the requests that are the subject of this Order, we received one request for waiver in May 2017, *see* Letter from Patrick R. Pfeiffer, Vice President and General Manager, Chesterman Communications of Jamestown, Inc. (May 24, 2017), MB Docket No. 14-127, which we orally denied. We also note that the Media Bureau spoke with representatives of a number of radio stations on or before March 1, 2018 who indicated that the stations might not be able to upload all the required materials to the online file by that date. We encouraged all of these stations to continue to work to complete their transition to the online file as expeditiously as possible.

documenting the economic hardship the station would incur in complying with online file requirements, its technical inability to do so, or such other reasons as would warrant waiver under our general waiver standards” that was requested in the *Expanded Online Public File Order*.²⁴ In the future, we will require any station requesting an extension of time to comply with the online public inspection file requirement, or a waiver, to file the request using the Commission’s Electronic Comment Filing System (ECFS) and to reference MB Docket No. 14-127. Such requests must include a detailed showing of why an extension or waiver is necessary.²⁵

IV. ORDERING CLAUSES

9. Accordingly, **IT IS ORDERED** that, pursuant to section 1.3 of the Commission’s rules, 47 CFR § 1.3, the requests for extension of time filed on behalf of the stations listed in Appendix A **ARE GRANTED IN PART AND DENIED IN PART as stated herein.**

10. This action is taken pursuant to authority delegated by section 0.283 of the Commission’s rules, 47 CFR § 0.283.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

²⁴ *Expanded Online Public File Order*, 31 FCC Rcd at 544, para. 44.

²⁵ We note that while the extension request from the two stations in Puerto Rico and the Virgin Islands only requested an extension until May 1, we will be favorably inclined to consider any further extension requests from stations that suffered hurricane damage, including those in Puerto Rico and the U.S. Virgin Islands, and that require additional time to transition to the online file due to ongoing recovery efforts.

APPENDIX A

Stations Requesting Additional Time to Comply with the Online Public File Requirement

| <u>Station</u> | <u>Licensee</u> | <u>Add. time requested</u> | <u>Fac. ID</u> |
|---------------------------------|--|----------------------------|----------------|
| KVOG-AM, Agana, Guam | Guam Power II, Inc. | 6 months | 160742 |
| KUSG-AM, Agana, Guam | Management Advisory Services | 6 months | 160741 |
| WIIZ(FM), Blackville, SC | Nicwild Communications, Inc. | 6 months | 15307 |
| WVRC(AM), Spencer, WV | Star Communications, Inc. | 6 months | 62294 |
| WVRC-FM, Spencer, WV | Star Communications, Inc. | 6 months | 62295 |
| KNOM(AM), Nome, AK | KNOM Radio Mission, Inc. | 30 days | 9340 |
| WSSC(AM), Sumter, SC | Sumter Baptist, Inc. | 3 months | 39621 |
| WAWK(AM), Kendallville, IN | Northeast Indiana Broadcasting, Inc. | 3 months | 49395 |
| WMDD-AM, Fajardo, P.R. | Pan Caribbean Broadcasting De PR, Inc. | 2 months | 51427 |
| WZIN-FM, Charlotte Amalie, V.I. | Pan Caribbean Broadcasting De PR, Inc. | 2 months | 51322 |
| WPMO-AM, Pascagoula, MS | Tri City Radio, LLC | 30 days | 32580 |
| WJNZ-AM, Pascagoula, MS | Tri City Radio, LLC | 30 days | 50377 |
| WLLN(AM), Lillington, NC | Estuardo Valdemar Rodriguez | 6 months | 26151 |
| WGSB(AM), Mebane, NC | Estuardo Valdemar and Leonor Rodriguez | 6 months | 25036 |
| WLLQ(AM), Chapel Hill, NC | Estuardo Valdemar and Leonor Rodriguez | 6 months | 9068 |
| WLNR(AM), Kinston, NC | Estuardo Valdemar and Leonor Rodriguez | 6 months | 57609 |
| WREV(AM), Reidsville, NC | Estuardo Valdemar and Leonor Rodriguez | 6 months | 41442 |
| WRTG(AM), Garner, NC | Estuardo Valdemar and Leonor Rodriguez | 6 months | 9072 |
| WSRP(AM), Jacksonville, NC | Estuardo Valdemar and Leonor Rodriguez | 6 months | 18529 |
| WLLY(AM), Wilson, NC | Estuardo Valdemar and Leonor Rodriguez | 6 months | 20661 |
| WJCI(FM), Huntington, IN | Cavalry Radio Network, Inc. | 6 months | 28206 |
| WQKO(FM), Howe, IN | Cavalry Radio Network, Inc. | 6 months | 39886 |
| WHLF(FM), Hanna, IN | Cavalry Radio Network, Inc. | 6 months | 91345 |
| WCJL(FM), Morgantown, IN | Cavalry Radio Network, Inc. | 6 months | 91951 |
| WJWD(FM), Marshall, WI | Cavalry Radio Network, Inc. | 6 months | 93445 |
| WOJC(FM), Crothersville, IN | Cavalry Radio Network, Inc. | 6 months | 93802 |
| WMJC(FM), Richland, MI | Cavalry Radio Network, Inc. | 6 months | 121857 |
| WJCY(FM), Cicero, IN | Cavalry Radio Network, Inc. | 6 months | 122004 |

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|---------------------------|------------------------------------|----------|--------|
| WJCZ(FM), Milford, IL | Cavalry Radio Network, Inc. | 6 months | 122006 |
| WJCO(FM), Montpelier, IN | Cavalry Radio Network, Inc. | 6 months | 122009 |
| WVWG(FM), Seelyville, IN | Cavalry Radio Network, Inc. | 6 months | 173133 |
| WTZI(FM), Rosemont, IL | Cavalry Radio Network, Inc. | 6 months | 173970 |
| WTZY(FM), Wonder Lake, IL | Cavalry Radio Network, Inc. | 6 months | 174052 |
| WCNM(FM), Harvard, IL | Cavalry Radio Network, Inc. | 6 months | 176666 |
| WKDX(AM), Hamlet NC | The McLaurin Group | 6 months | 56324 |
| WGSG(FM), Mayo, FL | True Concepts of Levy County, Inc. | 6 months | 68201 |
| KWNS(FM), Winnesboro, TX | Lottie L. Foster | 1 year | 56175 |
| WABO(AM), Waynesboro, MS | Martin Broadcasting Company | 1 year | 40488 |
| WABO-FM, Waynesboro, MS | Martin Broadcasting Company | 1 year | 40489 |