

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

In the Matter of
R&F Broadcasting, Inc.
Licensee of Station WRFB(TV),
Carolina, Puerto Rico
File No. BRCDDT-20121001AGN
Facility ID No. 54443
Acct. No.: 201641420012
FRN: 0001726447

ORDER

Adopted: June 17, 2016

Released: June 20, 2016

By the Commission:

1. In this Order, we adopt the attached Consent Decree entered into between the Commission and R&F Broadcasting, Inc. (R&F). The Consent Decree resolves issues raised in our review of the above-captioned application for license renewal for station WRFB(TV), Carolina, Puerto Rico (Station), specifically compliance with: (1) the children’s programming requirements set forth in Section 73.671 of the Commission’s Rules (Rules),1 which implements the Children’s Television Act of 1990 (CTA);2 (2) Section 73.3526(e)(11)(i) of the Rules,3 which requires broadcast stations to prepare and place on a quarterly basis in their local public inspection file TV issues/programs lists; (3) Section 73.3526(b)(2) of the Rules, which requires television licensees to upload certain portions of their physical public files to an on-line Commission-hosted website; and (4) Section 73.624(g) of the Rules, which requires the licensee to annually file with the Commission an Ancillary and Supplementary Services Report and pay any required fee.4 A copy of the Consent Decree is attached hereto and incorporated by reference.

2. After reviewing its terms, we find that the public interest would be served by adopting the Consent Decree. We conclude that there are no substantial or material questions of fact regarding R&F’s qualifications to remain a Commission licensee. Although we conclude that the Consent Decree contains appropriate terms and conditions, after reviewing the record before us, we believe that the grant of a short-term renewal is appropriate in order to better ensure the Licensee’s ongoing compliance with the CTA and with Sections 73.3526(e)(11)(i), 73.3526(b)(2) and 73.624(g).5 Accordingly, we grant the renewal application and renew the Station license for a period of two years pursuant to Section 309(k)(2)

1 47 C.F.R. § 73.671.

2 Pub L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, and 394.

3 47 C.F.R. §§ 73.3526(b)(2), (e)(11)(i) .

4 47 C.F.R. § 73.624(g).

5 Section 309(k)(1) of the Act states that the Commission shall grant a license renewal application “if it finds, with respect to that station, during the preceding term of its license—(a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of the Act or Commission rules or regulations which, taken together, would constitute a pattern of abuse.” 47 U.S.C. § 309(k)(1). Section 309(k)(2) of the Act states, however, that if the licensee fails to meet this three-part standard, the Commission may deny the application—after notice and comment, and opportunity for hearing under Section 309(e) of the Act—“or grant the application on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted” 47 U.S.C. § 309(k)(2).

of the Communications Act of 1934, as amended (Act). As a result, we need not determine whether R&F committed “serious violations” of our rules or violations that constituted a “pattern of abuse” for purposes of Section 309(k)(1).<sup>6</sup>

3. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) of the Act,<sup>7</sup> the Consent Decree attached to this Order **IS ADOPTED**.

4. **IT IS FURTHER ORDERED** that, pursuant to Section 309(k)(2) of the Act,<sup>8</sup> the application to renew the broadcast license of station WRFB(TV), Carolina, Puerto Rico, File No. BRCDT-20121001AGN, **IS GRANTED** and that license is renewed for a period of two years following release of this Order.

5. **IT IS FURTHER ORDERED** that the investigation by the Commission into the matters discussed above and in connection with this station **IS TERMINATED**.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to R&F’s counsel, Davina Sashkin, Esq., Fletcher, Heald & Hildreth, 1300 N. 17<sup>th</sup> Street, Suite 1100, Arlington, Virginia 22209.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

---

<sup>6</sup> See *Shareholders of Univision Communications Inc. et al.*, Memorandum Opinion and Order, 22 FCC Rcd 5842, 5859, n.113 (2007) (“Given our finding that the grant of the renewal application is warranted under Section 309(k)(2) of the Act because the consent decree contains appropriate terms and conditions, we need not determine whether Univision committed “serious violations” of our rules or violations that constituted “a pattern of abuse” for purposes of Section 309(k)(1).”

<sup>7</sup> 47 U.S.C. §§ 154(i),

<sup>8</sup> 47 C.F.R. § 309(k)(2).

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

In the Matter of	)	
	)	
R&F Broadcasting, Inc.	)	File No. BRCDDT-20121001AGN
Licensee of Station WRFB(TV)	)	Facility ID No. 54443
Carolina, Puerto Rico	)	Acct. No.: 201641420012
	)	FRN: 0001726447

**CONSENT DECREE**

1. The Federal Communications Commission (Commission) and R&F Broadcasting, Inc. (R&F or Licensee), licensee of station WRFB(TV), Carolina, Puerto Rico, hereby enter into this Consent Decree for the purpose of resolving (i) the Commission's investigation of R&F's compliance with the Children's Television Act of 1990 (CTA)<sup>1</sup> and Sections 73.671, 73.3526 and 73.624(g) of the Commission's rules<sup>2</sup> and (ii) R&F's pending license renewal application, File No. BRCDDT-20121001AGN.

**I. DEFINITIONS**

2. For the purposes of this Consent Decree and Compliance Plan, 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 the Order of the Commission adopting the terms of this Consent Decree without change, addition, deletion, or modification.
- c) "Bureau" means the Media Bureau of the Federal Communication Commission.
- d) "Commission" or "FCC" mean 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 to which R&F Broadcasting, Inc. is subject by virtue of being a Commission licensee, and/or controlling party of a Commission licensee, including but not limited to 47 C.F.R. §§ 73.3526, 73.624(e), 73.671 and the CTA.
- f) "CTA" means the Children's Television Act of 1990, Pub L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, and 394.
- g) "Effective Date" means the date on which the Bureau releases the Adopting Order.
- h) "Investigation" means the Media Bureau's investigation of R&F's potential violations of the CTA and 47 C.F.R. §§ 73.3526(e)(11)(iii), 73.624(e), 73.671.
- i) "License Renewal Application" means the license renewal application of station WRFB(TV), Carolina, Puerto Rico, File No. BRCDDT-20121001AGN.

<sup>1</sup> Pub L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, and 394.

<sup>2</sup> 47 C.F.R. §§ 73.671, 73.3526 and 73.624(g).

- j) “Parties” means R&F and the Commission, each of which is a “Party.”
- k) “R&F” means R&F Broadcasting, Inc. and its subsidiaries, affiliates, successors, assigns, and/or transferees.
- l) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- m) “Station” means the broadcast television station WRFB(TV), Carolina, Puerto Rico.

## II. BACKGROUND

3. On October 1, 2012, the Licensee timely filed its license renewal application (FCC Form 303-S) for the Station.<sup>3</sup> Following a series of informal inquiries from staff, the Licensee has since amended its application on four separate occasions, most recently on July 31, 2013, in order to address requests by staff related to R&F’s compliance with the CTA and Sections 73.671, 73.3526 and 73.624(g) of the Rules. Specifically, in Exhibit 24 of the License Renewal Application, the Licensee states that, between the third quarter of 2009 and “early 2011,” the Station aired its children’s programming beginning at 6:00 a.m. instead of 7:00 a.m.<sup>4</sup> While the Licensee admits to airing only two hours of Core Programming from the third quarter of 2009 through fourth quarter of 2011, during those six calendar quarters, it contends that it has aired a package of programming that is at least equivalent to airing three hours of children’s programming per week, albeit not within the time period specified in Section 73.671(c)(2).<sup>5</sup> In addition, the Licensee states that since early 2011 it has been airing a total of four hours of Core Programming per week, which is in excess of the minimum Core Programming obligation.

4. Under the CTA, as implemented by Section 73.671 of the Rules, a broadcast television licensee is required “to serve, over the term of its license, the educational and informational needs of children through both the licensee’s overall programming and programming specifically designed to serve such needs.”<sup>6</sup> Programming specifically designed to serve the educational and informational needs of children is defined by the Rules as “Core Programming.”<sup>7</sup> In the *1996 Children's Television Order* revising our rules and policies governing children's programming, the Commission established a license renewal application processing guideline of at least three hours of Core Programming per week.<sup>8</sup> The

<sup>3</sup> *License Renewal Application*.

<sup>4</sup> The Station modified its children’s programming schedule starting January 15, 2011. As a result, for first quarter 2011 the Station aired an average of 3.69 hours of Core Programming per week.

<sup>5</sup> See 47 C.F.R. § 73.671(c)(2) (programming “aired between the hours of 7:00 a.m. and 10:00 p.m.”); *License Renewal Application*, Exhibit 24.

<sup>6</sup> See 47 C.F.R. § 73.671(a).

<sup>7</sup> See 47 C.F.R. § 73.671(c).

<sup>8</sup> *Policies and Rules Concerning Children's Television Programming: Revision of Programming Policies for Television Broadcast Stations*, Report and Order, 11 FCC Rcd 10660, 10718 (1996) (*1996 Children's Television Order*). The Commission established rules setting forth seven criteria for evaluating whether a program qualifies as CORE programming: (1) the program has serving the educational and informational needs of children ages 16 and under as a significant purpose; (2) the program is aired between the hours of 7:00 a.m. and 10:00 p.m.; (3) the program is a regularly-scheduled weekly program; (4) the program is at least 30 minutes in length; (5) the program is identified as being specifically designed to educate and inform children through the on-screen display of the E/I symbol throughout the program; (6) the educational objective and the target child audience are specified in writing in the licensee's Children's Television Programming Report; and (7) instructions for listing the program as educational/ informational, including an indication of the age group for which the program is intended, are provided by the licensee to publishers of program guides. *1996 Children's Television Order*, 11 FCC Rcd at 10696; 47 C.F.R. § 73.671(c).

Rules provide that the Media Bureau staff shall approve the CTA portion of any license renewal application where the licensee demonstrates that it has aired an average of at least three hours per week of Core Programming, as averaged over a six-month period.<sup>9</sup> A licensee will also be deemed to have satisfied this obligation and be eligible for staff approval if it demonstrates that it has aired a package of different types of educational and informational programming that, while containing somewhat less than three hours per week of Core Programming, demonstrates a level of commitment to educating and informing children at least equivalent to airing three hours per week of Core Programming.<sup>10</sup> The renewal applications of licensees that do not meet these processing guidelines are referred to the Commission, where the licensees have a full opportunity to demonstrate compliance with the CTA.<sup>11</sup>

5. In addition, the Licensee states that it: (1) failed to prepare and/or place into the Station's physical local public inspection file (public file) and online electronic public file (e-pif) at appropriate times numerous TV issues/programs lists, as required by Section 73.3526(e)(11)(i) and 73.3526(b)(2) of the Rules;<sup>12</sup> and (2) on three occasions failed to timely file its Ancillary and Supplementary Services Reports.<sup>13</sup> In particular, the Licensee admits in Exhibit 20 of the License Renewal Application that its TV issues/programs lists for fifteen quarters were "not found."<sup>14</sup> The Licensee further discloses that, with the exception of the third and fourth quarters of 2012, all TV issues/programs lists that were prepared were not placed into the Station's e-pif in a timely manner.

6. Section 73.3526 of the Rules requires each commercial broadcast licensee to maintain a public file containing information related to a station's operations. Section 73.3526(e)(11)(i) requires every commercial television licensee to place in its public file, on a quarterly basis, a TV issues/programs list which details programs that have provided the station's most significant treatment of community issues during the preceding three-month period and must include a brief narrative of the issue addressed, as well as the time, date, duration, and title of each program that addressed the issue. Copies must be retained until final action on the station's next license renewal application. The Commission intended TV issues/programs lists to be a "significant source of issue-responsive information"<sup>15</sup> for use by the public, competitors, or the Commission when renewal of the station's license is at issue.<sup>16</sup> The Commission also noted that in the context of a license renewal proceeding "the existence of the issues/programs list in the station's public file will give the Commission sufficient assurance that the station has met its issue-responsive programming responsibility during the past license term..."<sup>17</sup>

7. In 2012 the Commission adopted Section 73.3526(b) of the Rules, which requires licensees to upload elements of Stations' physical public file to an on-line Commission hosted website

---

<sup>9</sup> 47 CFR §§ 73.671(d), (e)(1).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> License Renewal Application, Exhibit 20.

<sup>13</sup> *Id.* The Licensee also discloses that it failed to file a Children's Television Programming Report for the third quarter of 2004, but this apparent violation did not occur during the current license term at issue. *Id.*

<sup>14</sup> The Licensee states that TV issues/programs lists for the following quarters were not found in its public file: third quarter 2005, all of 2006, all of 2007, second quarter 2008, third quarter 2008, fourth quarter 2009, first quarter 2010, first quarter 2011, and third quarter 2011. License Renewal Application, Exhibit 24.

<sup>15</sup> *TV Deregulation R&O*, 98 FCC 2d at 1109.

<sup>16</sup> *Id.* at 1109-10.

<sup>17</sup> *Id.* at 1110.

(i.e., a Station's e-pif).<sup>18</sup> The Commission's e-pif requirement was implemented as a means to modernize the way that television broadcasters "inform the public about how they are serving their communities..."<sup>19</sup> Broadcasters' e-pif requirements were phased in between August 2012 and February 2013. Beginning August 2, 2012, stations were required to post any document that would otherwise be placed in a station's public file, with limited exception, to their e-pif on a going-forward basis. By February 4, 2013, stations were required to upload to their e-pif those public file, with limited exceptions, documents that were already in their physical public file prior to August 2, 2012.<sup>20</sup> Under Section 73.3526(b)(2) of the Rules, copies of TV issues/programs lists must be placed in a station's e-pif.

8. The Licensee also states that it failed to file in a timely manner the Ancillary and Supplementary Services Reports in 2009, 2011 and 2013. Section 73.624(g) of the Rules requires commercial and noncommercial full power television licensees transmitting digitally to annually remit a fee of five percent of the gross revenues derived from all ancillary or supplementary services that are "feeable," as defined therein. It also requires that digital licensees file a report, no later than each December 1, stating whether or not they provided ancillary or supplementary services in the twelve months ending on the preceding September 30. According to the rule, a licensee's "[f]ailure to file regardless of revenues from ancillary or supplementary services or provision of such services may result in appropriate sanctions."

9. The Commission and R&F have negotiated the terms of the Consent Decree that terminates all investigations into the matters raised in this proceeding. As part of the Consent Decree, R&F has agreed to make a settlement payment of \$14,500 to the U.S. Treasury, and to implement and maintain a Compliance Plan designed to ensure its future compliance with the children's programming requirements, and the Commission's public file and Ancillary and Supplementary Services Report and fee payment requirements, contained in the provisions of the Act and Rules noted above.

### III. TERMS OF AGREEMENT

10. Adopting Order. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Commission, which approval shall be evidenced by incorporation of the Consent Decree by reference in the Adopting Order.

11. Jurisdiction. R&F agrees that the Commission has jurisdiction over it and the matters contained in this Consent Decree and that the Commission has the authority to enter into and adopt this Consent Decree.

---

<sup>18</sup> See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement for Children's Television Programming Report*, Second Report and Order, 27 FCC Rcd 4535 (2012) ("*Second R&O*") (requiring broadcast television stations to post their public inspection files, with limited exception, to an online Commission-hosted database).

<sup>19</sup> *Second R&O*, 27 FCC Rcd at 4536.

<sup>20</sup> See *Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (2012) (announcing effective date of electronic public file rule); *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, 27 FCC Rcd 15315 (2012) (reminding station's to upload copies of existing public file documents to their electronic public file); *Television Broadcast Stations Reminded of the Upcoming Public Inspection Filing Deadline*, Public Notice, 28 FCC Rcd 429 (2013) (providing a final reminder to broadcasters to upload copies of existing public file documents to their electronic public file); see *Second R&O*, 27 FCC Rcd at 4580 (establishing compliance periods for complying with broadcasters new electronic public file requirement).

12. 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 Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission.

13. Violations. The Parties agree that any violation of the Adopting Order or of 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 the enforcement of a Commission order.

14. Termination of Investigation; Grant of Short-Term Renewal Application. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Commission agrees to terminate the Investigation. In consideration for the termination of the Investigation, R&F agrees to the terms and conditions contained herein. The Commission further agrees to grant absent any other restrictions, in conjunction and simultaneously with the adoption of this Consent Decree, the License Renewal Application for a period of two years from the Effective Date. In exchange, R&F agrees to implement and maintain the Compliance Plan, outlined below. The Commission further agrees that in the absence of new material evidence it will not use the facts developed, in whole or in part, from the 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 complaint or objection, any inquiries, investigations, forfeiture proceedings, hearings, or other sanctions or actions against R&F concerning the matters that were the subject of the Investigation. The Commission 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 take any action on its own motion against R&F with respect to R&F's basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

15. Subsequent Investigations. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by R&F with the Communications Laws. Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints or other adjudicatory pleadings filed against R&F for alleged violations of the Act or the Commission's rules or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaints or pleadings will be based solely on the record developed in that proceeding.

16. Settlement Payment. R&F will make a settlement payment to the United States Treasury in the amount of Fourteen Thousand, Five Hundred Dollars (\$14,500) within thirty (30) calendar days after the Effective Date (Settlement Payment). R&F acknowledges and agrees that upon execution of this Consent Decree, the Settlement Payment shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).<sup>21</sup> R&F shall send electronic notification of payment to Evan Morris at [evan.morris@fcc.gov](mailto:evan.morris@fcc.gov) on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the FRN captioned above.<sup>22</sup> An FCC Form 159 (Remittance Advice) must be submitted with payment unless payment is made online at the Commission's Fee Filer website. When completing the FCC Form 159, enter the Account Number in block number 23A (call

---

<sup>21</sup> Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (1996).

<sup>22</sup> Payment may be made online at the Commission's Fee Filer website: <https://www.fcc.gov/encyclopedia/fee-filer>. Online payments do not require Licensees to submit FCC Form 159. Alternatively, payment may be made using FCC Form 159; detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions that R&F should follow based on the form of payment it selects:<sup>23</sup>

- 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 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.
- 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.

17. Waivers. R&F 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, provided the Commission issues an Adopting Order as defined herein. R&F shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If any Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither R&F nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and R&F shall waive any statutory right to a trial *de novo*. R&F hereby agrees to waive any claims it may have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

18. Admission of Liability. R&F admits to the facts discussed in paragraphs 3-9 regarding its failure to provide sufficient Core Programming, as defined in Section 73.671, from the third quarter of 2009 through early 2011, and to meet the requirements of Sections 73.3526(e)(11)(i), 73.3526(b)(2) and 73.624(g) of the Rules. By entering into this Consent Decree, R&F makes no other admission of liability or violation of any law, regulation or policy, and the Commission makes no finding of any such liability or violation. Notwithstanding any other provision of this Consent Decree, it is expressly agreed and understood that if this Consent Decree, or paragraph 14 hereof, or both, are breached by the Commission, or are invalidated or modified to the signatories’ prejudice by the Commission or any court, then and in that event the provisions of the immediately preceding sentences shall be of no force or effect.

19. Compliance Plan. In recognition that R&F’s policies and practices regarding compliance with the CTA and Sections 73.671, 73.3526(e)(11)(iii), 73.3526(b)(2) and 73.624(g) of the Rules can be enhanced to ensure compliance in the future, R&F represents that it will adopt and implement a compliance plan at the Station, and at any station acquired by R&F as well as any station licensed to R&F that becomes newly subject to the requirements of the CTA or Sections 73.671m 73.3526(e)(11)(iii), 73.3526(b)(2) and 73.624(g) of the Rules while the Compliance Plan remains in effect. A copy of the plan is set forth below. R&F agrees, to the extent that it has not already done so, to implement the

---

<sup>23</sup> Should the Licensee have questions regarding payment procedures, it should contact the Financial Operations Group Help Desk by phone at 1-877-480-3201, or by e mail at ARINQUIRIES@fcc.gov.

Compliance Plan upon issuance of the Adopting Order and to keep such Compliance Plan in effect until Commission action is taken on the Station's next license renewal application.

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 the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except a rule or order specifically intended to revise the terms of this Consent Decree to which R&F expressly consents) that provision will not be superseded by such rule or Commission order.

22. Successors and Assigns. R&F agrees that the provisions of this Consent Decree shall be binding on its subsidiaries, affiliates, successors, assigns, and/or 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 all 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. The individual signing this Consent Decree on behalf of R&F represents and warrants that he is authorized by R&F to execute this Consent Decree and to bind R&F to the obligations set forth herein. The FCC signatory represents that she is signing this Consent Decree in her official capacity and that she is authorized to execute this Consent Decree.

27. Counterparts. This Consent Decree may be signed in any number of counterparts, each of which, when executed and delivered (including by pdf or facsimile), shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

**Federal Communications Commission**

By:

\_\_\_\_\_  
Marlene H. Dortch  
Secretary

\_\_\_\_\_  
Date

**R&F Broadcasting, Inc.**

By:

\_\_\_\_\_  
Enrique Sanchez  
President

\_\_\_\_\_  
Date

**COMPLIANCE PLAN OF R&F BROADCASTING, INC.**

In order to ensure future compliance with the CTA, Rules, and the Act, R&F will institute the following procedures for any television or radio station that is licensed, controlled or subsequently acquired by it. This Compliance Plan is meant to cover, but is not limited to, WRFB(TV), Carolina, Puerto Rico. Unless otherwise provided, all terms defined in paragraph 2 of the Consent Decree apply to this Compliance Plan. The terms of this Compliance Plan shall remain in effect until Commission action is taken on the Station's next license renewal application.

1. R&F will designate a Compliance Officer responsible for responding to employee questions, consulting with FCC Counsel regarding compliance matters, and ensuring all stations operate in compliance with the Rules and the Act, including but not limited to the CTA and Sections 73.671, 73.3526(e)(11)(iii), 73.3526(b)(2) and 73.624(g) of the Rules.

2. The Compliance Officer will oversee, as applicable, the acquisition, production, formatting and scheduling, and/or dissemination of information, regarding educational and informational (E/I) programs, the preparation and filing of R&F's issues/programs lists, the maintenance of its physical and electronic public files and the preparation and filing of its Ancillary and Supplementary Services Reports and payment of any necessary related fees, in order to ensure compliance with the FCC's related rules and policies.

3. The Compliance Officer will conduct training for all station employees and management at least once every twelve (12) months on compliance with FCC Rules applicable to his or her duties at the station. A certification that the aforementioned training has occurred shall be placed in the online electronic local public inspection file for the Station within three (3) business days.

4. The Compliance Officer will train any new employee within five (5) business days of commencement of his or her duties at the station.

5. The Compliance Officer will work with outside legal counsel on an ongoing basis to obtain guidance on FCC compliance issues, to provide regular updates and notices on developments in communications law applicable to the stations and the stations operations, and to review all applications, documents, and reports prior to filing with the FCC. In regard to the last matter, R&F recognizes and acknowledges that any and all information provided to the FCC must completely and candidly set forth all relevant facts and circumstances, regardless of whether such submission may disclose a violation of the Rules or the Act.