

Online Public Inspection File Exhibit

The Licensee has certified in the negative in response to the online public inspection file certification. The Licensee first became subject to the requirement to upload public inspection file documents in the FCC online public inspection file (“OPIF”) as of March 1, 2018. *See* 47 C.F.R. § 73.3526(b)(2)(i). Most of the documents discussed below were due to be uploaded during the ongoing COVID-19 global pandemic, which has affected the processes, protocols, and availability of employees in a wide variety of industries, and has certainly created compliance challenges for small broadcasters (the Licensee owns and operates only WGDJ and its FM translator).

Fourteen Issues/Programs Lists

During the license term, the Licensee uploaded a total of 14 Issues/Programs Lists after their due date. To be clear, the Lists were timely generated in electronic and/or paper format. The Issues/Programs Lists are as follows:

- Quarters 2, 3, 4 of 2018: Uploaded January 2020. These three Lists were generated by the station not long after the conversion to the OPIF. It is easy to understand that the station would have been quite focused on the upload deadline for the first quarter List from 2018 because station personnel had completed the transition to the OPIF only a few weeks prior. And it is equally easy to understand that station personnel would not have yet internalized new procedures and protocols for the uploading of the quarterly Lists.
- Quarters 1, 2, 3 of 2019: Uploaded January 2020. These three Lists suffered essentially the same fate and circumstances as the three Lists from 2018.
- All four quarters of 2020 and 2021: The Licensee plans to upload them the week that the instant renewal application is filed. These Lists—all of which have been due for upload since the beginning of the global COVID-19 pandemic—are being uploaded late in large part because of the multiple changes to processes and protocols experienced by station staff during various phases of the pandemic, including remote working, access to differing technology during remote working than during in-studio working, health & safety protocols, and an overall decrease in the number of station staff.

One EEO Public File Report

The Licensee realized in the course of completing the instant renewal application that it had not uploaded to the OPIF its 2021 EEO public file report. That report—which was timely compiled and created—was uploaded on January 18, 2022, and is posted to the station’s website.

Political File Records

The Licensee had just 40 political orders during the 2020 and 2021 political cycles. However, in all instances the political file records were uploaded to the OPIF on a timeline that

may not satisfy the timeline envisioned by 47 C.F.R. § 73.1943(c); in each case, although they were timely generated in paper and/or electronic format, the political file records were uploaded to the OPIF only after the applicable general election. The Licensee admittedly misunderstood the timeframe within which political files are to be uploaded to the OPIF. The Licensee now understands the requirement and is introducing processes during the 2022 election cycle to improve the timeliness of the upload of required political records.

Conclusion

The Commission has previously granted license renewal applications, or issued enforcement decisions in the context of license renewals, without monetary sanctions in analogous situations, including when licensees have been tardier than the Licensee in uploading materials to the online public file. *See, e.g., Allen Broadcasting Corp.*, Notice of Apparent Liability, 30 FCC Rcd 4512 (MB 2015) (admonishment but no monetary sanction for failure to timely upload to the OPIF issues/programs lists from the period prior to the OPIF implementation date until nearly 18 months after the deadline); *NPG of Oregon, Inc.*, Notice of Apparent Liability, 30 FCC Rcd 4782 (MB 2015) (same, but uploaded nearly 19 months after the deadline); *Robert H. Pettitt*, Letter Decision, 30 FCC Rcd 14510 (MB 2015) (same, but uploaded more than two years after the deadline). The Licensee respectfully requests similar treatment under the circumstances of this case, particularly given the fact that nearly all of the documents that were uploaded late were (i) created in a timely fashion, and (ii) from the period during which the COVID-19 pandemic had caused material disruptions to the continued availability of staff as well as the processes and protocols used and followed by the station's already small staff (the station had fewer than five full-time employees for most years during the license term).

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