FCC License Renewal

Station WSFS

Renewal Certifications

The station was the subject of a long-form transfer of control, which consummated on November 17, 2017. *See Entercom Communications and CBS Radio*, 32 FCC Rcd 9380 (MB 2017). In accordance with the Instructions to this Form 2100 – Schedule 303-S, the certifications made in this application cover only the period of time from and after such date.

Public Inspection File

As part of Licensee's internal public file review practices, as well as in connection with preparing to submit this license renewal application, Licensee discovered that certain documents, including those identified below, were either missing from the online public file or not uploaded in a timely manner.

All missing documents have since been uploaded to the public file. The missing and/or late documents included:

- Political Files: The invoices reflecting when certain political advertisements actually aired were not immediately uploaded to the file.

Licensee believes, to the best of its knowledge, that all other documentation required to be uploaded to the online public file has been uploaded in compliance with Section 73.3526 of the Commission's rules in all material respects.

Additional Disclosure

In the FCC Form 2100 – Schedule 396 for its stations in the Norfolk market, Licensee disclosed that on November 30, 2018, a former employee, Kristina Price, filed a charge with the United States Equal Employment Opportunity Commission ("EEOC") alleging disability discrimination (EEOC Charge No. 437-2019-00222). *See* FCC File No. 0000073703, as modified by FCC File No. 0000081093. On August 26, 2019, a reasonable cause determination was issued against certain of Licensee's affiliates, including Licensee's corporate parent, with respect to that charge. While disability discrimination is not one of the enumerated classes of discrimination set forth in Section 73.2080 of the Commission's Rules, Licensee disclosed the pending charge and subsequent determination in the applicable FCC Form 2100 – Schedule 396 out of abundance of caution. In that same abundance of caution, License is disclosing this determination in response to the Adverse Findings Section of this FCC Form 2100 – Schedule 303-S. On September 26, 2019, Licensee's affiliates agreed to a settlement in principle with the EEOC and Charging Party in which Licensee's affiliates did not admit any liability with respect to the claim.

Commission precedent establishes that an adverse finding exists only if there has been be an adjudication by an ultimate trier of fact. *Policy Regarding Character Qualifications in Broadcast Licensing*, Memorandum Opinion and Order, 7 FCC Rcd 6564, 6566 para 10 (1992). "An 'ultimate trier of fact' is a court or administrative body whose factual findings are not subject to de novo review." *Id.* (internal citations omitted).

An EEOC reasonable cause determination is not a "finding" of discrimination or adjudication by an ultimate trier of fact. It does not require "weighing of information from both complainant and respondent" and "is a gateway not to an evidentiary hearing but to *informal methods* of conference, conciliation, and persuasion." *Nat'l Broad. Co., Inc.*, 58 F.C.C.2d 419, 421 ¶¶ 4, 5 (1976) (emphasis added). EEOC proceedings are also "not of an adversary nature." *See Hubbard Broadcasting, Inc.*, 48 F.C.C. 2d 717, 524 n.6 (1974). A reasonable cause determination is essentially an initial determination based on limited facts made available to the EEOC, without the respondent having the ability to present a full defense, that there is reasonable cause to move forward with the informal conciliation process. Furthermore, EEOC decisions are subject to de novo review.

In any case, Licensee submits that, based on Commission precedent, a reasonable cause determination, based on a complaint which has since settled in principle and without an admission of liability by Licensee's affiliates, should not be an impediment to the grant of this application. *See, e.g., Pac. & S. Co., Inc.*, 11 F.C.C. Rcd. 8503, 8507 (1996) (denying an application for review and affirming grant of renewal application where a reasonable cause determination had been issued); *Focus Cable of Oakland, Inc.*, 65 F.C.C.2d 35 (1977); *Nat'l Broad. Co., Inc.*, 62 F.C.C.2d 582, 583 (1977); *Nat'l Broad. Co., Inc.*, 58 F.C.C.2d 419 (1976).