

STATEMENT RE ON-LINE PUBLIC INSPECTION FILES

The fourth of the AM/FM/LPFM Certifications contained in Form 2100, Schedule 303-S, calls upon the applicant to certify that, "... the documentation required by 47 C.F.R. Section 73.3526 or 73.3527, as applicable, has been uploaded to the station's public inspection file as and when required."

Section 73.3526(b)(3)(i) of the Commission's Rules states that, "[a] licensee [...] shall place the contents required by paragraph (e)(6) of this [S]ection of its political inspection file in the online public file hosted by the Commission.

Section 73.3526(e)(6) of the Commission's Rules states that a licensee shall place in its political inspection file, "[s]uch records as are required by § 73.1943 to be kept concerning broadcasts by candidates for public office.

Section 73.1943(c) of the Commission's Rules states as follows:

All records required by this paragraph shall be placed in the political file as soon as possible and shall be retained for a period of two years. As soon as possible means immediately absent unusual circumstances.

All three of the Stations are licensed to serve communities in the State of Illinois.

I. Items Related to the 2020 Primary Election

The 2020 Primary Election in the State of Illinois took place on March 17, 2020.

Due to health concerns related to the Novel Coronavirus, the Station employee who had been tasked with placing information related to the purchase of airtime by political candidates in the Stations' political files no longer came to the Stations' offices after March 16, 2020.¹

As part of its ongoing efforts to comply with the Commission's requirements, the Licensee recently discovered that the former employee had not placed in the Stations' political files invoices related to airtime purchases by candidates for public office who had run in the 2020 Primary Election, although information related to candidates' requests for airtime had been placed in the Stations' Political Files.

The Political File for Station WSMI(AM) was missing eight (8) invoices dating from March 2020. However, the associated placement order form related to each of those invoices *was* in the Political File for Station WSMI(AM).

The Political File for Station WSMI-FM was also missing eight (8) invoices dating from March 2020. However, the associated placement order form related to each of those invoices was in the Political File for Station WSMI-FM.

¹ To conserve resources, the Licensee laid off the employee in question on July 1, 2020.

The Political File for Station WAOX was *not* missing any items related to 2020 political broadcasts.

Promptly upon discovery of this situation, the Licensee inserted the missing invoices in the Stations' Political-File Sections of their On-Line Public Inspection Files of Stations WSMI(AM) and WSMI-FM.

Keeping the Stations operating as normally as possible in this very abnormal time has proven to be challenging in the extreme. The Licensee believes that, under the extraordinary circumstances, it has fulfilled the requirements of §§ 73.1943(c), 73.3526(b)(3)(i), and 73.3526(e)(6) of the Commission's Rules with respect to Political Broadcasting items related to the 2020 Primary Election.

II. Items Related to the 2018 Election

In connection with the preparation of its 2020 License-Renewal Applications, the Licensee reviewed the contents of the Political-File Sections of each of its Stations' On-Line Public Inspection Files, and determined that certain items related to the 2018 Election were missing.

Radio Stations WSMI(AM) and WSMI-FM simulcast during the morning-drive and noon hours. This means that political-spots that aired on WSMI-FM during the hours of simulcasting also aired on WSMI(AM). Strict and literal observance of the provisions of the Commission's Rules appear to require the placement of documentation related to political spots that simultaneously aired on both Stations in the Political-File Sections of each Station's On-Line Public Inspection File.

The Licensee has determined that there were some duplicates in the Political-File Section of Station WSMI-FM's On-Line Public Inspection File, but no corresponding entries in the Political-File Section of Station WSMI(AM)'s On-Line Public Inspection File.

A. Items Added to the Political-File Section of Station WSMI(AM)'s On-Line Public Inspection File

The Licensee has added to the Political-File Section of Station WSMI(AM)'s On-Line Public Inspection File sixty-three (63) items related to the 2018 Election. Sixty-two (62) of the items are pre-broadcast placement orders or post-broadcast invoices. Most of them relate to Station WSMI-FM spot placements that also aired on Station WSMI(AM) during simulcast hours. The remaining item added is a statement of the Terms and Conditions related to Political Advertising for the 2018 Political Season. It is the Licensee's understanding that this last item is not, strictly speaking, required to be in any Station's Political File, but the Licensee has added it as a sign of its good-faith efforts to ensure that WSMI(AM)'s Political-File Section is complete.

B. Items Added to the Political-File Section of Station WSMI-FM's On-Line Public Inspection File

The Licensee has added to the Political-File Section of Station WSMI-FM's On-Line Public Inspection File sixteen (16) items related to the 2018 Election. The bulk of the added items comprise post-broadcast invoices related to Station WSMI-FM spot placements.²

Another item that the Licensee has added to the Political-File Section of Station WSMI-FM's On-Line Public Inspection File is a Sports Booster Package Agreement between the Licensee and Rick Robbins.³ During its review, the Licensee determined that a copy of this Sports Booster Package Agreement was already in the Political-File Section of Station WSMI-FM's On-Line Public Inspection File. However, someone had inadvertently uploaded it to the folder associated with spot placements made by Mr. Robbins' 2018 Primary opponent, Scott Woods.

C. Items Added to the Political-File Section of Station WAOX(FM)'s On-Line Public Inspection File

The Licensee has added to the Political-File Section of Station WAOX(FM)'s On-Line Public Inspection File two invoices related to a Sports Booster Agreement entered into by the Licensee and Dillon Clark, who ran for the Democratic nomination for State Representative for the 95th District (in the General Assembly). The Licensee has also added to the Political-File Section of Station WAOX(FM)'s On-Line Public Inspection File a copy of the Sports Booster Agreement entered into by the Licensee and Mr. Clark. This Agreement covered high-school games that Station WSMI(AM) aired, but game promos mentioning Mr. Clark probably aired on Station WAOX. So, the Licensee has made the inclusion in an abundance of caution.

The Licensee has also added to the WAOX Political-File Section a Sports Annual Invoice for the year 2018 between the Licensee and Illinois State Senator Andy Manar.⁴ This Agreement related to a package that was billed via Station WSMI-FM, but the broadcasts covered by the Agreement included Fighting Illini (University of Illinois) games that aired over Station WAOX.

² The associated pre-broadcast placement orders were already in the Political-File Section of Station WSMI-FM's On-Line Public Inspection File.

³ Mr. Robbins successfully ran in the Republican primary for the position of the Sheriff of Montgomery County in 2018. Pursuant to the pertinent Sports Booster Package Agreement, spots promoting Mr. Robbins' candidacy ran during the 2018 Election season.

⁴ Senator Manar successfully sought reelection in the year 2018.

III. Quarterly Issues and Program Lists

With respect to Quarterly Issues and Program Lists, the Licensee has determined that the Quarterly Issues and Programs List for the Fourth Quarter of 2018 entered the Stations' On-Line Public Inspection Files on January 26, 2019. The date of insertion was slightly beyond the deadline specified in § 73.3526(c)(13) of the Rules (January 10, 2019).

IV. Conclusion

The Licensee believes that all necessary items are now in the Stations' On-Line Public Inspection Files.

The President of the Licensee has prepared a new set of written instructions for its office staff with respect to political advertisements and intends to review the same with its office staff. The President of the Licensee has also assigned to a different staff member the task of future Political-File uploads, and intends to work directly with that staff member to ensure that all required information gets posted.

The Licensee has made, and intends to continue to make, good-faith efforts to comply with the Commission's Rules. The Licensee requests the Commission's understanding with respect to those instances in which insertion of required materials was delayed.