

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

In the Matter of	)	
	)	File No.: BRDTA-20130328AEF
Dominion Media, Inc.	)	NAL Acct. No.: 201441420018
Licensee of Station WWJS-CD,	)	FRN: 0011158748
Clarksville, Indiana, Fac. Id. No. 6838	)	

**ORDER**

**Adopted: May 15, 2014**

**Released: May 15, 2014**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Media Bureau (Bureau) and Dominion Media, Inc. ("Licensee"). Currently pending before the Commission is the above-captioned application to renew the license of WWJS-CD (the "Station"). On October 30, 2013, the Video Division sent a letter of inquiry to the Station regarding potential violations of the Commission's rules, including the late filing of Children's Television Programming Reports and the filing of incorrect Class A and renewal certifications.

2. The Bureau and the Licensee have negotiated the terms of the Consent Decree that concludes the above-referenced matters. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree. A copy of the Consent Decree is attached and incorporated by reference.

3. In the absence of material new evidence relating to this matter, we conclude that the matters referenced above raise no substantial or material questions of fact as to whether the Licensee possesses the basic qualifications, including those related to character, to hold a Commission license or authorization. We have further examined the pending above-captioned license renewal application and find that the applicant is fully qualified and that grant of the license renewal application is in the public interest, convenience and necessity.

4. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i), 4(j), and 503(b) of the Communications Act of 1934, as amended,<sup>1</sup> and Sections 0.111 and 0.311 of the Rules,<sup>2</sup> the Consent Decree attached to this Order **IS ADOPTED**.

5. **IT IS FURTHER ORDERED** that the application to renew the license of Station WWJS-CD, File No. BRDTA-20130328AEF, **IS GRANTED**.

<sup>1</sup> See 47 U.S.C. §§ 154(i), 154(j), 503(b).

<sup>2</sup> See 47 C.F.R. §§ 0.111, 0.311.

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 Licensee's counsel, Joseph C. Chautin III, Esq., Hardy, Carey, Chautin & Balkin, LLP, 1080 West Causeway Approach, Mandeville, Louisiana, 70471.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'W. T. Lake', is positioned above the printed name and title.

William T. Lake  
Chief, Media Bureau

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**CONSENT DECREE**

1. The Media Bureau of the Federal Communications Commission and Dominion Media, Inc., by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation into possible violations of Sections 73.3514(a) pertaining to the proper reporting of information to the Commission and 73.3526(e)(11)(iii) of the Commission's Rules<sup>1</sup> pertaining to the timely filing of FCC Form 398 Children's Television Programming Reports on a quarterly basis.

**I. DEFINITIONS**

2. For the purposes of this Consent Decree, 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 Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - c) "Application" means the pending application for renewal for the license for WWJS-CD, Clarksville, Indiana (File No. BRDTA-20130328AEF).
  - d) "Bureau" means the Media Bureau of the Federal Communications Commission.
  - e) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
  - f) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Dominion Media, Inc. is subject by virtue of it being a Commission licensee, including but not limited to 73.3526(e)(11)(iii) of the Commission's Rules.
  - g) "Effective Date" means the date on which the Bureau releases the Adopting Order.
  - h) "Investigation" means the inquiry commenced with the Bureau's October 30, 2013 letter of inquiry to the Licensee.

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<sup>1</sup> See 47 C.F.R. § 73.3526(e)(11)(iii).

- i) "Dominion Media" means Dominion Media, Inc. and its predecessors-in-interest and successors-in-interest.
- j) "Parties" means Dominion Media and the Bureau, each of which is a "Party."
- k) "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.
- l) "Station" means WWJS-CD.

## **II. DISCUSSION**

3. Section 73.3526 of the Rules requires each commercial broadcast licensee to maintain a public inspection file containing specific types of information related to station operations.<sup>2</sup> As set forth in subsection 73.3526(e)(11)(iii), each commercial television licensee is required to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts that it made during the quarter to serve the educational and informational needs of children.<sup>3</sup> That subsection also requires licensees to prepare, place in the public file, and file the reports with the Commission by the tenth day after the close of the reporting quarter. As set forth in Section 73.3526(e)(17), each licensee of a Class A television station must provide documentation sufficient to demonstrate that it is continuing to meet the eligibility requirements set forth at Section 73.6001 of the Rules.

4. On October 30, 2013, the Video Division sent a letter of inquiry to the Station regarding potential violations of the Commission's rules, including Sections 73.3526(e)(11)(iii) and (e)(17). The Video Division determined that the Licensee violated Section 73.3526(e)(11)(iii) by failing to file its Children's Television Programming Reports in a timely manner for several quarters and violated Section 73.3526(e)(17) by providing incorrect certifications regarding its compliance with the Section 73.6001 eligibility requirements.

## **III. TERMS OF AGREEMENT**

5. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

6. **Jurisdiction.** Dominion Media agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and that the Bureau has the authority to enter into and adopt this Consent Decree.

7. **Effective Date; Violations.** 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. 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.

8. **Termination of Investigation; Grant of Renewal Application.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public

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<sup>2</sup> 47 C.F.R. § 73.3526

<sup>3</sup> 47 C.F.R. § 73.3526(e)(11)(iii).

resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, Dominion Media agrees to the terms and conditions contained herein. The Bureau further agrees to grant, in conjunction and simultaneously with the adoption of this Consent Decree, the Application through August 1, 2021 without conditions of any kind. The Bureau further agrees that in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any new proceeding, formal or informal, or take any action on its own motion against Dominion Media concerning the matters that were the subject of the Investigation. The Bureau 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 Dominion Media with respect to Dominion Media's basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

9. **Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints or other adjudicatory pleadings filed against Dominion Media or its affiliates 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 will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by Dominion Media with the Communications Laws.

10. **Voluntary Contribution.** Dominion Media agrees that it will make a voluntary contribution to the United States Treasury in the amount of Twenty Seven Thousand Five Hundred Dollars (\$27,500). The contribution will be made over five installments on the following date: (1) upon release of this Consent Decree, Dominion Media will make a payment of \$5,000; (2) Dominion Media will make a payment of \$5,625 due three months after the release of this Consent Decree and then will make additional quarterly payments of \$5,625 due six months, nine months, and one year after the release of the Consent Decree. Dominion Media shall also send electronic notification of payment to Peter Saharko at Peter.Saharko@fcc.gov on the date payments are made. The payments must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.<sup>4</sup> When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:<sup>5</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.

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<sup>4</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>5</sup> Should Dominion Media 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](mailto:ARINQUIRIES@fcc.gov).

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- 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.

11. **Waivers.** Dominion Media 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 Bureau issues an Adopting Order as defined herein. Dominion Media shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither Dominion Media nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Dominion Media shall waive any statutory right to a trial *de novo*. Dominion Media 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.

12. **Liability.** Dominion Media admits, solely for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 10 hereof, that the facts discussed in paragraphs 3-4 above constitute violations of Sections 73.3526(e)(11)(iii) & (e)(17) of the Commission's rules. Notwithstanding any other provision of this Consent Decree, it is expressly agreed and understood that if this Consent Decree, or paragraph 8 hereof, or both, are breached by the Bureau, or are invalidated or modified to Dominion Media's prejudice by the Commission, Bureau, or any court, then and in that event the provisions of the immediately-preceding sentence shall be of no force or effect whatever, and Dominion Media shall not, by virtue of that sentence or any other provision of this Consent Decree, be deemed to have made any admission concerning violations of 47 C.F.R. § 73.3526(e)(11)(iii) & (e)(17).

13. **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.

14. **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 an order specifically intended to revise the terms of this Consent Decree to which Dominion Media does not expressly consent) that provision will be superseded by such rule or Commission order.

15. **Successors and Assigns.** Dominion Media agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

16. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

17. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

18. **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.

19. **Authorized Representative.** The individual signing this Consent Decree on behalf of Dominion Media represents and warrants that he is authorized by Dominion Media to execute this Consent Decree and to bind Dominion Media to the obligations set forth herein. The FCC signatory represents that he is signing this Consent Decree in his official capacity and that he is authorized to execute this Consent Decree.

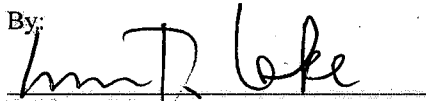
**Federal Communications Commission**

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

Media Bureau

By:

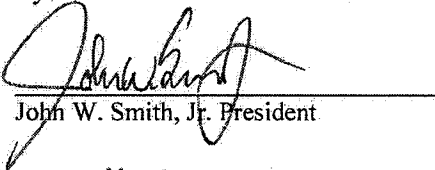


William T. Lake  
Chief  
Media Bureau

\_\_\_\_\_  
Date

Dominion Media, Inc.

By:



John W. Smith, Jr. President

4-16-14  
Date

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