

# Consent Decree

## I. Introduction

1. This Consent Decree is entered into by the Enforcement Bureau of the Federal Communications Commission ("Bureau") and Community News, LLC.

## II. Background

2. Community News, LLC is a Massachusetts-based communications company. Currently, Community News, LLC owns more than 100 newspapers in the New England area.

3. On March 31, 1995, Community Newspapers Company, Inc. purchased fourteen Boston-area newspapers, including the *Metrowest Daily News* (formerly, the *Middlesex News*), from Harte-Hanks Communications, Inc. As a result of the transaction, Community Newspapers, Inc. acquired control of land mobile station WZW861 used by the *Metrowest Daily News* to communicate with newspaper delivery trucks and delivery personnel. Pursuant to Section 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(d), the parties were required to obtain Commission consent to the substantial transfer of control of the station prior to consummating the transaction. They failed to do so.

4. Thereafter, on December 31, 1999, Community Newspapers Company, Inc. transferred all of its assets to Community News, LLC, in connection with a reorganization. Although the reorganization effectuated a *pro forma* transfer of control of the WZW861 license, the parties did not request Commission consent prior to consummating the transaction, contrary to the requirements of Section 310(d) of the Act.

5. On or about November 15, 2000, Community News, LLC discovered the two unauthorized transactions in connection with its due diligence review in preparation for a sale of substantially all of the assets of Community News, LLC to Herald Media, Inc. Thereafter, Community News, LLC applied for and was granted Special Temporary Authority to operate the station. Community News LLC also has filed appropriate applications which, when granted, will result ultimately in the assignment of the WZW861 license to Herald Media, Inc. Following the assignment to Herald Media, Inc., Community News, LLC will no longer hold any Commission authorizations.

## III. Definitions

6. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Commission" means the Federal Communications Commission.
  - (b) "Bureau" means the Commission's Enforcement Bureau.
  - (c) "Order" means the order of the Enforcement Bureau adopting this Consent Decree.
  - (d) "Final Order" means the Order that is no longer subject to administrative or judicial reconsideration, review, appeal, or stay.
  - (e) "Act" means the Communications Act of 1934, as amended, Title 47 of the United States Code.

#### IV. Agreement

7. Community News, LLC agrees that the Bureau has jurisdiction over the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

8. The Bureau and Community News, LLC agree that this Consent Decree does not constitute an adjudication on the merits or any finding on the facts or law regarding any violations of the Act or the Commission's rules committed by Community News, LLC.

9. Community News, LLC agrees that it shall make a voluntary contribution to the United States Treasury in the amount of \$7,500 within 10 calendar days after the Bureau releases the Order adopting this Consent Decree.

10. In express reliance upon the representations contained herein, the Bureau agrees to terminate its investigation into the matters discussed in paragraphs 3 - 5, above.

11. The Bureau agrees not to institute any new proceeding, formal or informal, of any kind against Community News, LLC for apparent violations of Section 310(d) of the Act arising from the matters discussed in paragraphs 3 - 5, above.

12. In the event that Community News, LLC is found by the Commission or its delegated authority to have engaged in a violation of Section 310(d) of the Act subsequent to the release of the Order adopting this Consent Decree, Community News, LLC agrees that the conduct described in paragraphs 3 -5, above, may be considered by the Commission or its delegated authority in determining an appropriate sanction.

13. Community News, LLC 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 Order adopting this Consent Decree, provided the Order is limited to adopting the Consent Decree without change, addition, or modification.

14. Community News, LLC and the Bureau agree that the effectiveness of this Consent Decree is expressly contingent upon issuance of the Order, provided the Order adopts the Consent Decree without change, addition, or modification.

15. Community News, LLC and the Bureau agree that in the event that this Consent Decree 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.

16. Community News, LLC and the Bureau agree that if Community News, LLC; the Commission; or the United States acting on behalf of the Commission, brings a judicial action to enforce the terms of the Order adopting this Consent Decree, neither Community News, LLC nor the Commission shall contest the validity of the Consent Decree or Order, and Community News, LLC and the Commission shall waive any statutory right to a trial *de novo* with respect to any matter upon which the Order is based (provided in each case that the Order is limited to adopting the Consent Decree without

change, addition, or modification), and shall consent to a judgment incorporating the terms of this Consent Decree.

17. Community News, LLC agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, Title 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters discussed in paragraphs 3 -5, above.

18. Community News, LLC agrees that any violation of the Order adopting this Consent Decree shall constitute a separate violation and subject Community News, LLC to appropriate administrative sanctions.

19. Community News, LLC and the Bureau agree to be bound by the terms and conditions stated herein.

20. Community News, LLC and the Bureau agree that this Consent Decree may be signed in counterparts.

**ENFORCEMENT BUREAU  
FEDERAL COMMUNICATIONS COMMISSION**

By: \_\_\_\_\_  
David H. Solomon  
Chief

\_\_\_\_\_ Date

**COMMUNITY NEWS, LLC**

By: \_\_\_\_\_  
Kirk Davis  
President and Chief Operating Officer

\_\_\_\_\_ Date