

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

In re Applications of
Sheridan Broadcasting Corporation
For Renewal of License for Station WAMO(AM)
Millvale, Pennsylvania
and
McL/McM-Inc.
For Renewal of Licenses for Stations WAMO-FM,
Beaver Falls, Pennsylvania;
WPGR(AM),
Monroeville, Pennsylvania; and
WGSM(FM),
Greensburg, Pennsylvania
NAL/ Acct. No. MB200641410085
FRN No. 0002207868
File No. BR-20060403CDB
Facility ID No. 60155
FRN No. 0002207868
File No. BRH-20060403CDA
Facility ID No. 52747
File No. BR-20060403CDD
Facility ID No. 4028
File No. BRH-20060403CDC
Facility ID No. 72296

ORDER

Adopted: November 1, 2006

Released: November 2, 2006

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau; Sheridan Broadcasting Corporation ("Sheridan"), licensee of Station WAMO(AM), Millvale, Pennsylvania; and McL/McM-Inc. ("McL/McM"), licensee of Stations WAMO-FM, Beaver Falls, Pennsylvania, WPGR(AM), Monroeville, Pennsylvania, and WGSM(FM), Greensburg, Pennsylvania (collectively, including WAMO(AM), the "Stations"). The Consent Decree resolves issues arising from the Bureau's review of the captioned renewal applications for the licenses for the Stations of whether Sheridan and McL/McM (collectively, the "Licensees") violated Section 73.3526 of the Commission's rules (the "Rules"), which governs the maintenance of a station's public file.

2. The Consent Decree provides, among other things, that the Licensees will institute and maintain, for three years, a Compliance Plan for the Stations and make a \$40,000 voluntary contribution to the United States Treasury. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree, we believe that the public interest will be served by its adoption. We also conclude that the matters raised in our review of the captioned

1 47 C.F.R. § 73.3526.

applications do not raise any substantial or material questions of fact regarding the Licensees' qualifications to remain Commission licensees.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) and (j) of the Communications Act of 1934, as amended,<sup>2</sup> and Sections 0.61 and 0.283 of the Commission's rules,<sup>3</sup> that the Consent Decree attached hereto IS ADOPTED.

5. IT IS FURTHER ORDERED that copies of this Order shall be sent, by first class mail and certified mail, return receipt requested, to Sheridan Broadcasting Corporation, 960 Penn Avenue, Suite 200, Pittsburgh, Pennsylvania 15222 and MCL/McM-Inc., 960 Penn Avenue, Suite 200, Pittsburgh, Pennsylvania 15222, and to their counsel, Susan A. Marshall, Esq., Fletcher, Heald & Hildreth, P.L.C., 11<sup>th</sup> Floor, 1300 North 17<sup>th</sup> Street, Arlington, Virginia 22209.

FEDERAL COMMUNICATIONS COMMISSION

Donna C. Gregg  
Chief, Media Bureau

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<sup>2</sup> 47 U.S.C. §§ 4(i) and (j).

<sup>3</sup> 47 C.F.R. §§ 0.61, 0.283.

**CONSENT DECREE****I. Introduction**

1. This Consent Decree is entered into by and between the Media Bureau of the Federal Communications Commission, Sheridan Broadcasting Corporation and McL/McM-Inc., by their respective authorized representatives, for the purpose of resolving certain issues that have arisen in the Media Bureau's review of the pending applications for the renewal of the licenses for Stations WAMO(AM), Millvale, Pennsylvania; WAMO-FM, Beaver Falls, Pennsylvania; WPGR(AM), Monroeville, Pennsylvania; and WGSM(FM), Greensburg, Pennsylvania (File Nos. BR-20060403CDB, BRH-20060403CDA, BR-20060403CDD, BRH-20060403CDC, respectively).

**II. Definitions**

2. For 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) "Bureau" means the Media Bureau of the Federal Communications Commission;
  - (c) "Commission" or "FCC" means the Federal Communications Commission;
  - (d) "Compliance Plan" means the processes and procedures developed by the Licensees in an effort to ensure compliance with the Act and the Rules regarding the maintenance of the public inspection files of Stations WAMO(AM), WAMO-FM, WPGR(AM) and WGSM(FM), as summarized in the Appendix hereto;
  - (e) "Effective Date" means the date on which the Bureau releases the Order;
  - (f) "Execution Date" means the date on which this Consent Decree is executed by the last of the Parties to do so;
  - (g) "Licensee" refers to Sheridan or McL/McM (together, the "Licensees");
  - (h) "McL/McM" means McL/McM-Inc., licensee of Stations WAMO-FM, Beaver Falls, Pennsylvania, WPGR(AM), Monroeville, Pennsylvania, and WGSM(FM), Greensburg, Pennsylvania;
  - (i) "Order" means the order of the Bureau adopting this Consent Decree;
  - (j) "Parties" means the Bureau and the Licensees;
  - (k) "Public File Rule" means Section 73.3526 of the Commission's rules, 47 C.F.R. §73.3526;
  - (l) "Rules" means the Commission's rules, found in Title 47 of the Code of Federal Regulations;

- (m) “Sheridan” means Sheridan Broadcasting Corporation, licensee of Station WAMO(AM), Millvale, Pennsylvania, and the holder of all of the stock of McL/McM;
- (n) “Stations” refers to Stations WAMO(AM), Millvale, Pennsylvania; WAMO-FM, Beaver Falls, Pennsylvania; WPGR(AM), Monroeville, Pennsylvania; and WGSM(FM), Greensburg, Pennsylvania; and
- (o) “Violations” means the violation of the Public File Rule.

### III. Background

3. On April 3, 2006, the Licensees filed the above-noted applications to renew their respective licenses for the Stations. In those applications, the Licensees made disclosures to the Commission concerning compliance issues with the Commission’s Public File Rule. Because of the compliance issues raised by those disclosures, the Parties have agreed to enter into this Consent Decree to which both the Licensees and the Bureau intend to be legally bound.

### IV. Agreement

4. The Parties acknowledge that any proceeding that might result from the Public File Rule compliance issues referred to in Paragraph 3 above would be time consuming and require substantial expenditure of public and private resources. In order to conserve such resources, to resolve the matter, and to promote the Licensees’ compliance with the Public File Rule, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

5. The Licensees and the Bureau agree to be legally bound by the terms and conditions of this Consent Decree. Both of the Licensees and the Bureau each represent and warrant that its signatory is duly authorized to enter into this Consent Decree on its behalf. The Licensees agree that the Bureau has jurisdiction over the matters contained in this Consent Decree.

6. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Licensees and the Bureau concerning the Licensees’ Violations at their respective Stations, as discussed herein.

7. In express reliance on the covenants and representations in this Consent Decree, the Bureau agrees that it will not use the Violations in any action against the Licensees, provided that the Licensees satisfy all of their obligations under this Consent Decree. In the event that either of the Licensees fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

8. The Licensees hereby stipulate that they have each violated the Public File Rule in their maintenance of the public files of the Stations during the 1998-2006 license term.

9. The Licensees agree to make a voluntary contribution to the United States Treasury in the amount of Forty Thousand Dollars (\$40,000.00) within thirty (30) days of the Effective Date. Such contribution shall be made, without further protest or recourse to a *trial de novo*, by a check or similar instrument, payable to the Federal Communications Commission. The payment must include FRN Nos. 0003-1838-03 and 0002-2078-68 and the NAL/Acct. No. referenced in the Order. Any payment by check or money order may be mailed to the Federal Communications Commission, P.O. Box 358340,

Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and Account Number 911-6106, pursuant to Commission procedures for wire transfers.

10. The Bureau agrees to grant the pending renewal applications for the Stations (File Nos. BR-20060403CDB, BRH-20060403CDA, BR-20060403CDD and BRH-20060403CDC ) after the Effective Date, provided that the following conditions have been met: 1) the Licensees have fully and timely satisfied their obligation to make the voluntary contribution referenced in paragraph 9 of this Decree; and 2) there are no issues other than the Violations that would preclude the grant of the any such renewal application. In the event that there are issues that would preclude the grant of any such application, that application will remain pending, but such a state of affairs will not preclude the grant of the other renewal applications that have no such outstanding issues, and the above conditions have been satisfied with regard to that application. The Parties acknowledge that one such issue exists with regard to Station WAMO-FM that prevents the grant of its renewal application.

11. The Licensees represent that, in addition to their existing policies and procedures, they have adopted, are currently in the process of implementing, and agree to abide by the Compliance Plan for the purpose of ensuring compliance with the Public File Rule, which Compliance Plan is summarized in the Appendix attached hereto. The Licensees agree, to the extent that they have not already done so, to implement this Compliance Plan at each of their respective Stations no later than thirty (30) days after the Effective Date and to keep such Compliance Plan in effect for three (3) years after the Effective Date.

12. The Licensees represent that, as of the date of their execution of this Consent Decree, the Stations' public files each fully comports with the Public File Rule, except that the quarterly issues/ programs lists contained in each file begin only with that for the first quarter of 2006.

13. The Licensees agree that they are each required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent that the either of the Licensees fails to satisfy any condition or Commission Rule, in the absence of Commission alteration of the condition or Rule, it will be deemed noncompliant and may be subject to possible enforcement action, including, but not limited to, revocation of the relief, designation of the matter for hearing, letters of admonishment and/or forfeitures.

14. The Consent Decree will be binding on the Licensees' successors-in-interest and assigns. To that end, within thirty (30) days of the Effective Date, McL/McM agrees to amend its pending application (File No. BALH-20060825ABT) to assign Station WGSM(FM) to The St. Pier Group LLC to include an statement executed by an authorized member of the proposed assignee consenting to assumption by the assignee of the responsibilities and duties regarding that station set forth in this Consent Decree, including, but not limited to, the continued operation of the Compliance Plan. In the event that this application for consent to assignment of license is withdrawn or dismissed, or the parties otherwise fail to close on the transaction, the Licensees agree that any future application to assign or transfer control of WGSM(FM) or any of the other Stations will include such a statement executed by an authorized representative of the proposed assignee or transferee consenting to assumption of the responsibilities and duties set forth in this Consent Decree with regard to each station that is the subject of the application.

15. The Licensees waive any and all rights they may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Order, provided the Order adopts the Consent Decree without change, addition or modification.

16. The Licensees agree to waive any claims they may otherwise have under the Equal Access to Justice Act, 5 U.S.C. Section 504 and 47 C.F.R. Section 1.1501 *et seq.*, relating to the matters discussed in this Consent Decree.

17. The Licensees and the Bureau agree that the effectiveness of this Consent Decree is expressly contingent upon issuance of the Order, provided that the Order adopts the Consent Decree without change, addition or modification.

18. The Licensees and the Bureau agree that, if the Licensees, the Commission or the United States on behalf of the Commission, brings a judicial action to enforce the terms of the Order adopting this Consent Decree, neither the Licensees nor the Commission will contest the validity of the Consent Decree or Order, and the Licensees and the Commission will 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 will consent to a judgment incorporating the terms of this Consent Decree.

19. The Licensees and the Bureau agree that, in the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

20. This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

**MEDIA BUREAU  
FEDERAL COMMUNICATIONS COMMISSION**

By: \_\_\_\_\_  
Donna C. Gregg, Chief

Date: \_\_\_\_\_

**SHERIDAN BROADCASTING CORPORATION**

By: \_\_\_\_\_  
Susan Davenport Austin, Vice President

Date: \_\_\_\_\_

**McL/McM-INC.**

By: \_\_\_\_\_  
Susan Davenport Austin, Vice President

Date: \_\_\_\_\_

APPENDIX**COMPLIANCE PLAN OF SHERIDAN BROADCASTING CORPORATION  
AND MCL/MCM-INC.**

Sheridan Broadcasting Corporation and McL/McM-Inc. or their successors-in-interest, as appropriate, will institute the following procedures to ensure compliance with the Commission's Public File Rule. Unless otherwise provided, all terms defined in the Consent Decree apply to this Compliance Plan.

- I.
  - A. The program hosts and other appropriate staff of the Stations will log all broadcasts of public affairs programming. These logs will be compiled into quarterly issues/programs lists and will be timely placed in the public file of each of the Stations.
  - B. All such quarterly issues/programs lists will be signed and dated by their preparer before they are placed in their respective public files.
  - C. Late-filed lists will be reviewed and signed by the Stations' management and accompanied with a statement indicating the nature of the document, the date placed in the public file, and the reason for the late filing.
  - D. The Stations' management will emphasize to all employees the absolute requirement to follow all Commission rules, regulations, and policies and will fully explain the obligations imposed by the Public File Rule to each employee or employees charged with maintenance of the Stations' public files. Should the Stations' licensee or its management learn that the Public File Rule has been violated, the employee responsible will be subject to appropriate disciplinary action, including suspension without pay and termination.
- II. For a period of three years from the date of the Effective Date, the Licensees or successor licensees, as appropriate, will conduct in-house audits of the Stations' public files as detailed below. The three-year period will terminate on the successful completion of the third annual public files audit pursuant to Item II(C). The second and third audits pursuant to Item II(C) will be due on the anniversary of the first audit. The audits of the public files shall be performed as follows:
  - A. quarterly audits, by telephone or facsimile, will be conducted by FCC counsel or an authorized representative of the Pennsylvania Association of Broadcasters under the Alternative Broadcast Inspection Program;
  - B. a semi-annual review will be conducted by the Stations' management; and
  - C. annual, in-person, audits of the Stations' public files will be conducted by an authorized representative of the Pennsylvania Association of Broadcasters under the alternative Broadcast Inspection Program. The first annual audit shall be completed not less than six (6) months and not more than nine (9) months following the Effective Date.
- III. Each of the Licensees shall annually submit a sworn certification to the Commission, signed by an officer of the Licensee, that its Stations' public inspection files fully comply with the Public File Rule. If a Licensee cannot truthfully make this certification, it shall set forth in detail any public file deficiencies and describe any correct measures taken. This report shall be filed within

ten (10) days of the completion of the first annual public file audit pursuant to Item II(C) above, and on that date yearly thereafter during each year of the license term. A copy will be served on peter H. Doyle, Chief Audio Division, Media Bureau, Federal Communications Commission and e-mailed to him at peter.doyle@fcc.gov.

- IV. The Compliance Plan, set forth above, will be under the direct supervision of Sheridan's director and General Counsel, Ronald R. Davenport, Jr., Licensees' FCC counsel, or other appointees as designated by the Licensees, or in the event Mr. Davenport is no longer with the Licensees or a license has been assigned, by his successor(s) or his successor's designee on the Licensees' or successor's Board.