

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

In the Matter of)	
)	File No. EB-05-IH-2557
Long Pond Baptist Church)	Acct. No. 200832080077
)	FRN 0006119168
Licensee of Noncommercial Educational Station)	Facility ID No. 38349
WTBH(FM), Chiefland, Florida)	

CONSENT DECREE

Adopted: February 21, 2008

Released: February 25, 2008

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. This Consent Decree is entered into by the Enforcement Bureau of the Federal Communications Commission and Long Pond Baptist Church.

II. DEFINITIONS

- 2. For the Purposes of this Consent Decree, the following definitions will apply:
 - a. "Long Pond" means Long Pond Baptist Church;
 - b. "Non-Related Company" means a company or organization in which neither Long Pond nor its principals, individually or collectively, are an officer, director, partner, member, manager or holder (directly or indirectly) of an ownership interest;
 - c. "Commission" or "FCC" means the Federal Communications Commission;
 - d. "Bureau" means the Enforcement Bureau of the Federal Communications Commission;
 - e. "Parties" means the Bureau and Long Pond;
 - f. "Station" means Station WTBH(FM), Chiefland, Florida (Facility ID No. 38349);
 - g. "Licenses" means all authorizations, permits and licenses issued by the Commission in connection with the operation of the Station;
 - h. "Licensee" means the holder of the License;

- i. “Act” means the Communications Act of 1934, as amended, 47 U.S.C. Section 151 *et seq.*;
- j. “Rules” means the Commission’s regulations set forth in Title 47 of the Code of Federal Regulations;
- k. “Underwriting Laws” means Section 399B of the Communications Act of 1934, 47 U.S.C. § 399b, and Section 73.503(d) of the Commission’s Rules, 47 C.F.R. § 73.503(d);
- l. “Adopting Order” means an order of the Bureau adopting this Consent Decree;
- m. “Effective Date” means the date on which the Adopting Order is released;
- n. “Investigation” means the investigation conducted by the Bureau regarding compliance by Long Pond with the Act and the Rules governing underwriting announcements by noncommercial educational broadcast stations in connection with its operation of the Station during the period September 13, 2005, through September 19, 2005; and
- o. “Violations” means violations of Section 399(b) of the Act and Section 73.503(d) of the Rules¹ by Long Pond, as described in this Consent Decree.

III. BACKGROUND

3. On or about December 13, 2005, the Bureau received a complaint alleging that the Station had aired prohibited underwriting announcements. The complaint resulted in the commencement of an investigation by the Bureau which revealed apparent violations with regard to certain underwriting announcements aired over the Station by Long Pond during the month of September 2005 (the “Violations”). These announcements appear to have violated Section 399(b) of the Act and Section 73.503(d) of the Rules because they exceeded the bounds of what is permissible and within licensee discretion under the Act and pertinent Commission precedent.² During the course of this Investigation, the Station’s license renewal application³ has remained pending before the Commission.

4. Long Pond and the Bureau acknowledge that any proceeding that might result from the Investigation will require the significant expenditure of public and private resources. In order to conserve such resources and to promote compliance by Long Pond with the Act and the Rules, the Parties hereby enter into this Consent Decree in consideration of the mutual commitments made herein.

IV. AGREEMENT

5. Long Pond agrees that the Bureau, by delegated authority of the Commission, has jurisdiction over the matters contained in this Consent Decree, and the authority to enter into and adopt this Consent Decree.

¹ See 47 U.S.C. § 399b; 47 C.F.R. § 73.503(d).

² See *Xavier University*, Letter of Admonition, issued November 14, 1989 (Mass Med. Bur.), *recons. granted*, Memorandum Opinion and Order, 5 FCC Rcd 4920 (1990).

³ See FCC File No. BRED-20040915AAZ.

6. Long Pond agrees to be legally bound by the terms and conditions of this Consent Decree. Long Pond represents and warrants that its signatory is duly authorized to enter into this Consent Decree on its behalf.

7. The Parties agree that this Consent Decree will become effective on the Effective Date. Upon the Effective Date, the Adopting Order and this Consent Decree will have the same force and effect as any other order of the Bureau and any violation of the terms of this Consent Decree will constitute a separate violation of a Bureau order, entitling the Bureau to subject Long Pond to enforcement action for such violation, as well as enforcement action with respect to the Violations.

8. Long Pond admits, solely for the purpose of this Consent Decree and for FCC civil enforcement purposes, that the information contained in the Complaint could establish violation(s) of the Underwriting Laws. Notwithstanding any other provision of this Consent Decree, it is expressly agreed and understood that if this Consent Decree is breached by the Bureau, or is invalidated or modified to Long Pond's prejudice by the Commission or by any court, then the provisions of the immediately-preceding sentence shall be of no force or effect whatsoever, and Long Pond shall not, by virtue of that sentence or any other provision of this Consent Decree, be deemed to have made any admission concerning any announcements broadcast on the Station.

9. In consideration of the terms and conditions set forth herein, the Bureau agrees to terminate its Investigation. From and after the Effective Date, in the absence of material new evidence which demonstrates fraud or otherwise substantially undermines the basis for this Agreement, the Bureau agrees that it will not use the Violations in any action against Long Pond, provided that it satisfies all of its obligations under this Consent Decree. Nothing in this Consent Decree will prevent the Bureau from instituting or recommending to the Commission any new investigation or enforcement proceeding against Long Pond in the event of any alleged future misconduct involving violation of this Consent Decree, or violation of the Act or the Rules.

10. Long Pond agrees that it will make a voluntary contribution to the United States Treasury in the amount of Two Hundred Fifty Dollars (\$250.00) in one installment. Full payment will be made within five (5) days after the Effective Date of the Adopting Order. The payment must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced in the caption to the Adopting Order. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment[s] by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).

11. As a further condition to this agreement, Long Pond will institute and follow the terms of a Compliance Plan within thirty (30) days of the Effective Date, through the license term ending February 1, 2012. The Plan will include, at a minimum, the following components:

a. Long Pond will utilize a multi-level review procedure for underwriting content to be aired on the Station. All scripts of announcements will continue to be reviewed, prior to broadcast, for compliance with the Underwriting Laws.

b. Within thirty (30) days of joining Long Pond, any new station employee hired by

Long Pond will be trained on acceptable underwriting content that complies with the Underwriting Laws. In addition, Long Pond station employees will be trained on an annual basis regarding existing guidelines and, where applicable, pertinent changes to the Underwriting Laws.

c. Long Pond will also implement and maintain a plan to educate prospective clients about appropriate underwriting content. To that end, Long Pond will summarize the Underwriting Laws for each client before it accepts any contract with the client to air material over Station WTBH(FM). Long Pond will not accept any announcement that does not comply with the Underwriting Laws.

12. Long Pond agrees that any violation of this Consent Decree, including but not limited to a failure to observe the conditions imposed in Paragraph 10 hereof, will constitute a separate violation of a Commission order and subject each to appropriate administrative sanctions.

13. This Consent Decree will be binding on Long Pond's transferees, successors and assigns, provided that in the event of an assignment or transfer of the Licenses to a Non-Related Company, only the obligations of Paragraph 10 will be binding on the assignee or transferee.

14. Long Pond 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, provided the Order adopts the Consent Decree without change, addition or modification.

15. Long Pond agrees to waive any claims it 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.

16. Long Pond agrees 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.

17. Long Pond and the Bureau each agrees that if Long Pond, 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 Long Pond nor the Commission will contest the validity of the Consent Decree or Order, and Long Pond 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.

18. Long Pond 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.

19. 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.

FEDERAL COMMUNICATIONS COMMISSION

By: Kris Anne Monteith
Chief, Enforcement Bureau

Date: _____

LONG POND BAPTIST CHURCH

By: Chuck Cook, Chairman

Date: _____