

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

In re Application of	)	
	)	
<b>Danville Christian Radio, Ltd.</b>	)	NAL/ Acct. No. MB200641410350
	)	FRN No. 0004940490
	)	
For Renewal of License for Station DWVOV(AM)	)	File No. BR-20031208BQQ
Danville, Virginia	)	Facility ID No. 15501

**ORDER**

**Adopted: May 19, 2010****Released: May 20, 2010**

By the Chief, Media Bureau:

1. In this Order, we adopt and incorporate by reference the attached Consent Decree entered into by the Media Bureau and Danville Christian Radio, Ltd. (the "Licensee"), licensee of Station DWVOV(AM), Danville, Virginia (the "Station"). The Consent Decree resolves issues arising from the Bureau's review of the captioned license renewal application. These issues include whether the Licensee violated Section 73.3526<sup>1</sup> of the Commission's rules (the "Rules"), which governs the maintenance of a commercial station's public file, Section 73.3539<sup>2</sup> of the Rules, which sets forth the filing deadline for license renewal applications, and Section 301 of the Communications Act of 1934, as amended, (the "Act"),<sup>3</sup> which requires a valid authorization from the Commission to operate a broadcast station.

2. The Consent Decree provides, among other things, that the Licensee and, if applicable, its successors and assigns, will institute and maintain, for three years, a Compliance Plan for the Station and make a seventeen thousand dollar (\$17,000) Voluntary Contribution to the United States Treasury payable in thirty (30) equal installments of five hundred sixty six dollars and sixty seven cents (\$566.67). The first installment is due within thirty (30) days after the Effective Date of this Order and the remaining twenty nine (29) installment payments are due on the first day of each succeeding month, beginning with the second full month after the Effective Date.

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 application do not raise any substantial or material questions of fact regarding the Licensee's qualifications to remain a Commission licensee.

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<sup>1</sup> 47 C.F.R. § 73.3526.

<sup>2</sup> See 47 C.F.R. § 73.3539.

<sup>3</sup> 47 U.S.C. § 301.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) and (j) of the Act,<sup>4</sup> and Sections 0.61 and 0.283 of the Rules,<sup>5</sup> that the Consent Decree attached hereto IS ADOPTED.

5. IT IS FURTHER ORDERED that a copy of this Order shall be sent, by first class mail and certified mail, return receipt requested, to Danville Christian Radio, Ltd., P. O. Box 3325, Danville, Virginia 24543.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake  
Chief, Media Bureau

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

<sup>5</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 and Danville Christian Radio, Ltd., by their respective authorized representatives, for the purpose of resolving certain issues that have arisen in the Media Bureau's review of the pending application for the renewal of the license for Station DWVOV(AM), Danville, Virginia (File No. BR-20031208BQQ).

**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 Licensee in an effort to ensure compliance with the Act and the Rules regarding the maintenance of the public inspection file of Station DWVOV(AM), 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) "Filing Date Rule" means Section 73.3539 of the Commission's rules, 47 C.F.R. §73.3539;
  - (h) "First STA" means the request for Special Temporary Authorization to continue Station operations pending consideration of the untimely DWVOV(AM) license renewal application, File No. BLSTA-20031209ACS, granted by the staff on December 16, 2003;
  - (i) "Installment Plan" refers to a Commission authorized payments in regular installments pursuant to Section 1.1914;
  - (j) "Licensee" refers to Danville Christian Radio, Ltd.;
  - (k) "Order" means the order of the Bureau adopting this Consent Decree;
  - (l) "Parties" means the Bureau and the Licensees;
  - (m) "Public File Rule" means Section 73.3526 of the Commission's rules, 47 C.F.R. §73.3526;

- (n) “Rules” means the Commission’s rules, found in Title 47 of the Code of Federal Regulations;
- (o) “Station” refers to Station DWVOV(AM), (Facility ID No. 15501); and
- (p) “Violations” means the violations of the Filing Date Rule and the Public File Rule.

### III. Background

3. On December 8, 2003, the Licensee untimely filed a license renewal application for the Station in violation of the Filing Date Rule.<sup>6</sup> In addition, it continued to operate the Station after the Station’s license had expired in violation of Section 301 of the Act.<sup>7</sup> Moreover, in the Station’s license renewal application, the Licensee made disclosures to the Commission concerning compliance issues with the Public File Rule. Because of the late filing of the license renewal application, the unauthorized Station operation, and the Public File Rule compliance issues raised therein, the Parties have agreed to enter into this Consent Decree to which both the Licensee and the Bureau intend to be legally bound.

### IV. Agreement

4. The Parties acknowledge that any proceeding that might result from the Licensee’s violation of the Filing Date Rule, Section 301 of the Act, and the Public File Rule, 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 Filing Date Rule, Section 301 of the Act, and the Public File Rule, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

5. The Licensee and the Bureau agree to be legally bound by the terms and conditions of this Consent Decree. Both the Licensee and the Bureau each represent and warrant that its signatory is duly authorized to enter into this Consent Decree on its behalf. The Licensee agrees 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 Licensee and the Bureau concerning the Licensee’s Violations at the Station, 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 Licensee, provided that the Licensee satisfies all of its obligations under this Consent Decree. In the event that the Licensee 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.

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<sup>6</sup> The Station’s application for renewal was due on or before June 1, 2003. No such application was filed, and the Station’s license expired on October 1, 2003.

<sup>7</sup> The Licensee filed the First STA to continue Station operations on December 9, 2003. The staff granted the First STA on December 16, 2003, and it expired on June 16, 2004. The Licensee sought a second STA on August 24, 2005, more than one year after the First STA had expired. *See* File No. BLSTA-20050824AFH. The staff granted this second STA on September 2, 2005, it was to expire on March 2, 2006. However, the Licensee timely sought an extension of the STA on January 27, 2006, which remains pending. *See* File No. BLSTA-20060127AJF

8. The Licensee hereby stipulates that it has violated the Filing Date Rule by failing to file a license renewal application for the Station on or before June 1, 2003, and that it violated Section 301 of the Act by continuing Station operations after the Station's license had expired and after the First STA had expired.

9. The Licensee hereby stipulates that it has violated the Public File Rule in its maintenance of the public file of the Station during the 1995-2003 license term.

10. The Licensee agrees to make a voluntary contribution to the United States Treasury in the amount of Seventeen Thousand Dollars (\$17,000.00) payable in thirty (30) equal installment payments of five hundred sixty six dollars and sixty seven cents (\$566.67). The first installment payment is due within thirty (30) days after the Effective Date and the remaining twenty nine (29) installment payments are due on the first day of each succeeding month, beginning with the second full month after the Effective Date. Such contribution will be made, without further protest or recourse to a *trial de novo*, by a check or similar instrument, wire transfer or money order payable to the order of the Federal Communications Commission. The payment must include FRN No. 0004940490 and the NAL/Acct. No. MB200641410350. Payment by check or money order may be mailed to Federal Communications Commission, at 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 by wire transfer may be made to ABA Number 021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If 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. The Bureau agrees to reinstate the Station's call sign, WVOV(AM), and grant the pending renewal application for the Station (File No. BR-20031208BQQ) after the Effective Date, provided that the following conditions have been met: 1) the Licensee has fully and timely satisfied its obligation to make the voluntary contribution referenced in paragraph 10 of this Decree; and 2) there are no issues other than the Violations that would preclude the grant of the renewal application.

12. The Licensee represents that, in addition to its existing policies and procedures, it has adopted, is 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 Licensee agrees, to the extent that it has not already done so, to implement this Compliance Plan at the Station 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.

13. The Licensee represents that, as of the date of the execution of this Consent Decree, the Station's public file fully comports with the Public File Rule.

14. The Licensee agrees that it is 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 Licensee 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.

15. The Consent Decree will be binding on the Licensee's successors-in-interest and assigns. The Licensee agrees that any future application to assign or transfer control of the Station will include 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 the Station.

16. The Licensee waives any and all rights it 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.

17. The Licensee agrees 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.

18. The Licensee 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.

19. The Licensee and the Bureau agree that, if the Licensee, 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 Licensee nor the Commission will contest the validity of the Consent Decree or Order, and the Licensee 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.

20. The Licensee 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.

21. 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: \_\_\_\_\_  
William T. Lake, Chief

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

**DANVILLE CHRISTIAN RADIO, LTD**

By: \_\_\_\_\_  
Sherwood Tony Johnson, President

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

**APPENDIX****COMPLIANCE PLAN OF DANVILLE CHRISTIAN RADIO, LTD.**

Danville Christian Radio, Ltd., or its successor-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 Station 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 the Station.
  - B. All such quarterly issues/programs lists will be signed and dated by their preparer before they are placed in the public file.
  - C. Late-filed lists will be reviewed and signed by the Station's 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 Station's 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 Station's public files. Should the Station's 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 Effective Date, the Licensee or successor licensee, as appropriate, will conduct in-house audits of the Station's public file as detailed below. The three-year period will terminate on the successful completion of the third annual public file 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 file shall be performed as follows:
  - A. quarterly audits, by telephone or facsimile, will be conducted by FCC counsel or an authorized representative of the Virginia Association of Broadcasters under the Alternative Broadcast Inspection Program;
  - B. a semi-annual review will be conducted by the Station's management; and
  - C. annual, in-person, audits of the Station's public file will be conducted by an authorized representative of the Virginia 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. The Licensee shall annually submit a sworn certification to the Commission, signed by an officer of the Licensee, that the Station's public inspection file fully complies with the Public File Rule. If the 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](mailto:peter.doyle@fcc.gov).



- V. Licensee will conduct training for all Station employees on compliance with FCC Rules applicable to Station operations. To augment this training, outside counsel, or other comparable professionals, will conduct an on-site workshop for all Station employees. Licensee will videotape this workshop and use it as refresher training for staff and management at least every twelve (12) months, and to train any new Station employee within five (5) days of commencement of his/her duties at the Station.
- IV. The Compliance Plan, set forth above, will be under the direct supervision of Danville Christian Radio, Ltd.'s President Sherwood Tony Johnson, or by any designee authorized by Mr. Johnson, or in the event that Mr. Johnson is no longer with Danville Christian Radio, Ltd. or the license has been assigned, by his successor or his successor's designee on the Danville Christian Radio, Ltd. board or the successor Licensee's Board.