

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

In the Matter of Online Political Files of	)	File No.: MB/POL-01282019
	)	FRN: 0004434866
Entercom License, LLC	)	
	)	
Licensee of Various Commercial Radio Stations	)	

**ORDER**

**Adopted: July 22, 2020**

**Released: July 22, 2020**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Federal Communications Commission (the Commission) and Entercom License, LLC (Entercom). The Consent Decree resolves the Commission’s investigation into whether Entercom violated section 315(e)(3) of the Communications Act of 1934, as amended (the Act), and section 73.1943(c) of the Commission’s rules in connection with the timeliness of uploads of required information to the online political files of certain Entercom-owned and operated radio stations. To resolve this matter, Entercom agrees, among other things, to implement a comprehensive Compliance Plan and to provide periodic Compliance Reports to the Bureau.

2. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,<sup>1</sup> and political file obligations have been embodied in section 315(e) of the Act since 2002.<sup>2</sup> Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,<sup>3</sup> or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.<sup>4</sup> Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”<sup>5</sup> Section 73.1943(a) of the Commission’s rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,<sup>6</sup> and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”<sup>7</sup>

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<sup>1</sup> See 3 Fed. Reg. 1691 (1938).

<sup>2</sup> 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

<sup>3</sup> 47 U.S.C. § 315(e)(1)(A).

<sup>4</sup> 47 U.S.C. § 315(e)(1)(B).

<sup>5</sup> 47 U.S.C. § 315(e)(3).

<sup>6</sup> 47 CFR § 73.1943(a)

<sup>7</sup> 47 CFR § 73.1943(c).

3. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act<sup>8</sup> and present their positions to the public prior to an election.<sup>9</sup> In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”<sup>10</sup>

4. Entercom is the licensee of 234 commercial radio stations across the country. An investigation by the Bureau of Entercom’s online political files covering the 2018 calendar year revealed non-compliance at 196 of its stations in 47 markets. Entercom also was unable to certify compliance with its political file obligations in multiple license renewal applications filed in the current license renewal cycle.

5. Following discussions with Bureau staff earlier this year, Entercom informally agreed to adopt a Best Practices Plan and to submit a Compliance Report to the Bureau covering a limited period of time. That Compliance Report revealed a significant improvement by the Company in complying with its political file obligations. Entercom has now formally agreed to enter into the attached Consent Decree, pursuant to which Entercom admits that it repeatedly violated its political file obligations by not uploading required records in a timely manner. Entercom further agrees to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Bureau.

6. 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 and terminating the referenced investigation regarding Entercom’s compliance with section 315(e)(3) of the Act and section 73.1943(c) of the rules.

7. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission’s rules,<sup>11</sup> the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

8. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

9. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be served via electronic mail to Jennifer Tatel, Esq., Wilkinson Barker Knauer, LLP, counsel for Entercom License, LLC, at [jtatel@wbklaw.com](mailto:jtatel@wbklaw.com).

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey

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<sup>8</sup> 47 U.S.C. § 315(a).

<sup>9</sup> Pursuant to section 73.1941(c) of the rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

<sup>10</sup> *Id.* at 4543-44, para. 16.

<sup>11</sup> 47 CFR §§ 0.61(e), 0.283.

Chief, Media Bureau

**Before the  
Federal Communications Commission  
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In the Matter of Online Political Files of	)	File No.: MB/POL-01282019
	)	FRN: 0004434866
<b>ENTERCOM LICENSE, LLC</b>	)	
	)	
Licensee of Various Commercial Radio Stations	)	

**CONSENT DECREE**

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and Entercom License, LLC (Entercom), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau’s investigation, as defined below, into whether Entercom violated section 315(e)(3) of the Communications Act of 1934, as amended,<sup>12</sup> and section 73.1943(c) of the Commission’s rules<sup>13</sup> in connection with the timeliness of uploads of required information to the online political files of the Entercom-owned and operated radio stations identified in Appendix A to this Consent Decree. As set forth herein, to resolve this matter, Entercom agrees, among other things, to implement a comprehensive Compliance Plan and provide periodic Compliance Reports to the Bureau.

**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 an Order of the Media Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - (c) “Bureau” or “Media Bureau” means the Media Bureau of the Commission.
  - (d) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.
  - (e) “Communications Laws” means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission.
  - (f) “Compliance Officer” means the individual designated in Paragraph 14 of this Consent Decree as the person responsible for administration of the Compliance Plan.
  - (g) “Compliance Plan” means the compliance obligations, program, and procedures described in this Consent Decree at Paragraph 15.
  - (h) “Covered Employees” means all employees and agents of the Company whose responsibilities include performing, or supervising, overseeing, or managing the performance of duties that relate to Entercom’s responsibilities under the Political File Statute and Rule.

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<sup>12</sup> 47 U.S.C. § 315(e)(3).

<sup>13</sup> 47 CFR § 73.1943(c).

- (i) “Effective Date” means the date by which both the Bureau and Entercom have signed the Consent Decree.
- (j) “Entercom” or the “Company” means Entercom License, LLC, and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (k) “Entercom Stations” means all broadcast stations of which Entercom is or becomes the licensee during the term of this Consent Decree.
- (l) “Investigation” means the Bureau’s investigation in case No. MB/POL-01282019 regarding whether Entercom violated the Political File Statute and Rule.
- (m) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Entercom to help ensure compliance with the Political File Statute and Rule.
- (n) “Parties” means Entercom and the Bureau, each of which is a “Party.”
- (o) “Political File Statute and Rule” means 47 U.S.C. § 315(e)(3), 47 CFR § 73.1943(c) and § 73.3526(e)(6).
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

## II. BACKGROUND

3. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,<sup>14</sup> and political file obligations have been embodied in section 315(e) of the Act since 2002.<sup>15</sup> Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,<sup>16</sup> or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.<sup>17</sup> Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”<sup>18</sup> Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,<sup>19</sup> and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”<sup>20</sup>

4. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act<sup>21</sup> and present their positions to the public

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<sup>14</sup> See 3 Fed. Reg. 1691 (1938).

<sup>15</sup> 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

<sup>16</sup> 47 U.S.C. §§ 315(e)(1)(A).

<sup>17</sup> 47 U.S.C. §§ 315(e)(1)(B).

<sup>18</sup> 47 U.S.C. § 315(e)(3).

<sup>19</sup> 47 CFR § 73.1943(a).

<sup>20</sup> 47 CFR § 73.1943(c).

<sup>21</sup> 47 U.S.C. § 315(a).

prior to an election.<sup>22</sup> In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”<sup>23</sup>

5. Entercom currently is the licensee of 234 commercial radio stations in 47 markets across the country. It is one of the country’s largest radio broadcasters. Its parent company, Entercom Communications Corp., is a publicly-traded corporation listed on the New York Stock Exchange (NYSE: ETM).

6. In December 2018, the Bureau received a written complaint from an individual who alleged that three radio stations in Buffalo, New York, of which Entercom is the licensee, had charged a federal candidate more than the lowest unit charge for the purchase of political broadcast time during the period leading up to the November 2018 midterm election, in violation of section 315(b) of the Act.<sup>24</sup> In the course of the Bureau’s investigation, staff examined the online political files of the three Buffalo stations to which information about such charges, among other things, should have been uploaded. That examination revealed that no records had been uploaded in the online political files of the three stations during the year 2018, despite the fact that the 2018 midterm elections had been held earlier in the year and it was reasonable to assume that the stations had broadcast at least some candidate-related advertising during the period leading up to the elections. Accordingly, the Bureau commenced its investigation, which, based on information subsequently provided by the Company, eventually came to encompass an examination of the political files of all Entercom Stations. That examination led the Bureau to conclude, among other things, that of the 234 stations of which Entercom is the licensee, 196 were non-compliant with their political file obligations. That information was consistent with the information that Entercom provided in multiple license renewal applications, the processing of which the Bureau decided to hold in abeyance pending the outcome of its investigation.<sup>25</sup>

7. Following discussions with Bureau and Commission staff, Entercom voluntarily agreed to adopt a Best Practices Plan and submit a Compliance Report to the Bureau covering the five-week period spanning the last full week of February and all of March 2020. The Compliance Report that Entercom submitted revealed a dramatic improvement by the Company in complying with its political file obligations.<sup>26</sup> Entercom achieved a substantial level of compliance during the reporting period which coincided with the March 11, 2020, World Health Organization’s classification of COVID-19 as a pandemic and the March 13, 2020, the Presidential declaration of a national emergency. The Bureau recognizes that this period has placed the radio broadcast industry as a whole under significant financial stress from a dramatic reduction in advertising revenues. The Bureau believes that Entercom’s voluntary disclosure and cooperation combined with the exceptional circumstances brought about by the COVID-19

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<sup>22</sup> Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

<sup>23</sup> *Id.* at 4543-4544 para. 16.

<sup>24</sup> 47 U.S.C. § 315(b). The Bureau thoroughly investigated the lowest unit charge complaint raised in the December 2018 written complaint and ultimately concluded that the allegation was without merit.

<sup>25</sup> To date, Entercom has filed 80 license renewal applications during the current license renewal cycle, of which 79 are for full service stations, which require public file certifications. Of those 79 stations, Entercom was able to certify compliance with its public file obligations in only 5 (6.3%) of its applications. Most, if not all, were attributable to late-filed political records. The applications are listed in Appendix B.

<sup>26</sup> Based on its compliance report, Entercom achieved more than 99% compliance with its political file obligations during the five-week period.

coronavirus pandemic present a unique situation and, on balance, warrant resolution of the Bureau's investigation under the terms and conditions described below. It is in express consideration of these unique conditions that the Bureau, in the exercise of its prosecutorial discretion, forbears from requiring a civil penalty on the basis of the Entercom Stations' noncompliance during their license terms as an element of the Bureau's agreement to enter this Consent Decree.

### III. TERMS OF AGREEMENT

8. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

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

10. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

11. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process all pending license renewal applications filed by Entercom during the current renewal cycle (ending on August 1, 2022) subject to ordinary Audio Division, Media Bureau procedures. In consideration for such, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation or related to any violations of the Political File Statute and Rule through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against Entercom 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 or related to any violations of the Political File Statute and Rule through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.<sup>27</sup>

12. **Admission of Liability.** Entercom admits for the purpose of this Consent Decree and for Commission civil enforcement purposes in connection with this Consent Decree, and in express reliance on the provisions of Paragraph 11 herein, that the statements described in Paragraph 6 are true and that Entercom failed to upload required information to its online political files in a timely manner and to otherwise maintain full and complete information in its political file, in repeated violation of section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

13. Entercom acknowledges that the Commission or its delegated authority may use the facts which form the basis for this Consent Decree and its admission of liability in proposing any future sanctions against Entercom in the event Entercom is determined to have committed any violations of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to political programming and record keeping or otherwise.<sup>28</sup>

14. **Compliance Officer.** To the extent it has not already done so, within thirty (30) calendar days after the Effective Date, the Company shall designate a senior corporate manager with the requisite

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<sup>27</sup> See 47 CFR § 1.93(b).

<sup>28</sup> Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E).

corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to Entercom's Chief Executive Officer on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Political File Statute and Rule prior to assuming his/her duties.

15. **Compliance Plan**. For purposes of settling the matters set forth herein, the Company agrees that it shall, within 90 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Political File Statute and Rule, and with the terms and conditions of this Consent Decree. The Compliance Plan must implement, at a minimum, the following procedures:

- (a) **Operating Procedures**. The Compliance Plan shall include Operating Procedures that all Covered Employees must follow to help ensure the Company's compliance with the Political File Statute and Rule. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that Entercom Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Political File Statute and Rule.
- (b) **Compliance Manual**. The Compliance Plan shall include a compliance manual that is distributed to all Covered Employees. Such distribution shall take place no later than 120 calendar days after the Effective Date. The compliance manual shall thoroughly explain the requirements embodied in the Political File Statute and Rule, and it shall set forth the Operating Procedures (including the compliance checklist) that Covered Employees must follow to help ensure Entercom's compliance with the Political File Statute and Rule. The Company shall periodically review and revise the compliance manual as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Company shall distribute any revisions to the compliance manual promptly to all Covered Employees.
- (c) **Compliance Training Program**. The Compliance Plan shall include a compliance training program to provide periodic training to Covered Employees on compliance with the Political File Statute and Rule. As part of the compliance training program, Covered Employees shall be advised of the Company's obligation to report any noncompliance with the Political File Statute and Rule under Paragraph 15(f) of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 150 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Company shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- (d) **Industry Education**. The Company shall cooperate with the National Association of Broadcasters and state broadcast associations, as appropriate, by encouraging and promoting education and training for radio broadcasters, including small broadcasters or stations with limited resources, on the Political File Statute and Rule.



- (e) **Compliance Reports.** Entercom shall submit periodic compliance reports with the Bureau. The first compliance report shall be filed no later than December 10, 2020, and cover the 60-day period preceding the general election on November 3, 2020. A second compliance report shall be filed no later than December 10, 2021, and cover the 6-month period preceding the general election on November 2, 2021. The Bureau may, within its sole discretion, require Entercom to submit more frequent or additional compliance reports.
- i. Each compliance report shall include a spreadsheet and detailed description documenting the Company's efforts during the relevant period to comply with the Political File Statute and Rule, and with the terms and conditions of this Consent Decree. In addition, each compliance report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer has personal knowledge that the Company: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 15(f) of this Consent Decree.
  - ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of the Rules,<sup>29</sup> and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
  - iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Bureau with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which such proposed remedial action will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
  - iv. Entercom's Chief Executive Officer shall certify that he or she has reviewed each compliance report and that, based on his or her knowledge, the compliance report does not contain any untrue statement of a material fact, does not omit to state a material fact necessary to make the statements made therein, and is not misleading with respect to the period covered by the compliance report.
  - v. All compliance reports shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at [Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov); Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at [Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov); and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at [Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov).
- (f) **Reporting Noncompliance.** The Company shall report any instance of noncompliance with the terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy

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<sup>29</sup> 47 CFR § 1.16.

such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at [Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov); Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at [Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov); and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at [Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov).

16. **Termination Date.** The requirements set forth in this Consent Decree shall terminate 60 days after the filing of the second compliance report referenced in Paragraph 15(e), provided the Bureau is satisfied that Entercom has demonstrated substantial compliance with its political file obligations. If the Bureau is not satisfied that Entercom has demonstrated substantial compliance with its political file obligations, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months.

17. The Company acknowledges that the Bureau retains the discretion and authority to propose sanctions against Company, including the issuance of notices of apparent liability for forfeitures, for any suspected or alleged noncompliance by Company with the Political Record-Keeping Statute and Rule that occurs during the term of this Consent Decree.

18. **Waivers.** As of the Effective Date, Entercom 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. The Company 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 Consent Decree or Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may have under the Equal Access to Justice Act<sup>30</sup> relating to the matters addressed in this Consent Decree.

19. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

20. **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.

21. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order

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<sup>30</sup> See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or Order.

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

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

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

25. **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.

26. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

27. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

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Michelle M. Carey  
Chief, Media Bureau

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Date

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Andrew P. Sutor IV  
Executive Vice President, General Counsel  
Entercom License, LLC

\_\_\_\_\_  
Date

Appendix A

<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
KALC	FM	59601	DENVER, CO
KALV-FM	FM	63913	PHOENIX, AZ
KAMP-FM	FM	25075	LOS ANGELES, CA
KAMX	FM	48651	LULING, TX
KBZT	FM	58816	SAN DIEGO, CA
KCBS	AM	9637	SAN FRANCISCO, CA
KCBS-FM	FM	9612	LOS ANGELES, CA
KCSP	AM	11270	KANSAS CITY, MO
KDGS	FM	70266	ANDOVER, KS
KDKA	AM	25443	PITTSBURGH, PA
KDKA-FM	FM	20350	PITTSBURGH, PA
KEYN-FM	FM	53151	WICHITA, KS
KEZK-FM	FM	13507	ST. LOUIS, MO
KEZW	AM	67843	AURORA, CO
KFBZ	FM	53153	HAYSVILLE, KS
KFH	AM	53598	WICHITA, KS
KFRC-FM	FM	20897	SAN FRANCISCO, CA
KFRG	FM	1241	SAN BERNARDINO, CA
KFTK-FM	FM	73890	FLORISSANT, MO
KFXX	AM	57830	PORTLAND, OR
KGMZ	AM	25458	SAN FRANCISCO, CA
KGMZ-FM	FM	25446	SAN FRANCISCO, CA
KGON	FM	2432	PORTLAND, OR
KHMX	FM	47749	HOUSTON, TX
KHTP	FM	18513	TACOMA, WA
KIFM	AM	67848	WEST SACRAMENTO, CA
KIKK	AM	25450	PASADENA, TX
KILT	AM	25440	HOUSTON, TX
KILT-FM	FM	25439	HOUSTON, TX
KISW	FM	47750	SEATTLE, WA
KITS	FM	18510	SAN FRANCISCO, CA
KJCE	AM	1243	ROLLINGWOOD, TX
KJKK	FM	63779	DALLAS, TX
KKDO	FM	6810	FAIR OAKS, CA
KKHH	FM	25449	HOUSTON, TX
KKMJ-FM	FM	66489	AUSTIN, TX
KKWF	FM	6367	SEATTLE, WA
KLLC	FM	9624	SAN FRANCISCO, CA
KLOL	FM	35073	HOUSTON, TX

<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
KLUC-FM	FM	47744	LAS VEGAS, NV
KLUV	FM	67195	DALLAS, TX
KMBZ	AM	6382	KANSAS CITY, MO
KMBZ-FM	FM	2449	KANSAS CITY, KS
KMLE	FM	59965	CHANDLER, AZ
KMNB	FM	9641	MINNEAPOLIS, MN
KMOX	AM	9638	ST. LOUIS, MO
KMTT	AM	35033	VANCOUVER, WA
KMVK	FM	23440	FORT WORTH, TX
KMXB	FM	51676	HENDERSON, NV
KNDD	FM	34530	SEATTLE, WA
KNOU	FM	27022	ST. LOUIS, MO
KNRK	FM	51213	CAMAS, WA
KNSS	AM	53152	WICHITA, KS
KNSS-FM	FM	23292	CLEARWATER, KS
KNX	AM	9616	LOS ANGELES, CA
KOOL-FM	FM	13506	PHOENIX, AZ
KQKS	FM	35574	LAKEWOOD, CO
KQMT	FM	26929	DENVER, CO
KQPS	FM	11747	PALM DESERT, CA
KQRC-FM	FM	74101	LEAVENWORTH, KS
KRBQ	FM	65486	SAN FRANCISCO, CA
KRBZ	FM	57119	KANSAS CITY, MO
KRLD	AM	59820	DALLAS, TX
KRLD-FM	FM	1087	DALLAS, TX
KROQ-FM	FM	28622	PASADENA, CA
KRSK	FM	68213	MOLALLA, OR
KRTH	FM	28631	LOS ANGELES, CA
KRXQ	FM	20354	SACRAMENTO, CA
KSEG	FM	11281	SACRAMENTO, CA
KSFM	FM	59598	WOODLAND, CA
KSON	FM	59816	SAN DIEGO, CA
KSWD	FM	20356	SEATTLE, WA
KTWV	FM	25437	LOS ANGELES, CA
KUDL	FM	57889	SACRAMENTO, CA
KVIL	FM	28624	HIGHLAND PARK-DALLAS, TX
KWFN	FM	30832	SAN DIEGO, CA
KWJJ-FM	FM	13738	PORTLAND, OR
KWOD	AM	87143	KANSAS CITY, KS
KXFG	FM	63912	MENIFEE, CA
KXNT	AM	33068	NORTH LAS VEGAS, NV

Station Call Sign	Type	Fac. ID No.	Community of License
KXQQ-FM	FM	12560	HENDERSON, NV
KXSN	FM	34589	SAN DIEGO, CA
KXST	AM	47745	NORTH LAS VEGAS, NV
KXTE	FM	2100	PAHRUMP, NV
KYCH-FM	FM	35034	PORTLAND, OR
KYKY	FM	20358	ST. LOUIS, MO
KYW	AM	25441	PHILADELPHIA, PA
KYXY	FM	51671	SAN DIEGO, CA
KYYS	AM	73938	KANSAS CITY, KS
KZJK	FM	54425	ST. LOUIS PARK, MN
KZPT	FM	6379	KANSAS CITY, MO
WAAF	AM	36200	SCRANTON, PA
WAOK	AM	63775	ATLANTA, GA
WAXY	AM	30837	SOUTH MIAMI, FL
WBBM	AM	9631	CHICAGO, IL
WBBM-FM	FM	9613	CHICAGO, IL
WBEB	FM	71382	PHILADELPHIA, PA
WBEE-FM	FM	71206	ROCHESTER, NY
WBEN	AM	34381	BUFFALO, NY
WBGB	FM	9639	BOSTON, MA
WBMX	FM	28621	CHICAGO, IL
WBT	AM	30830	CHARLOTTE, NC
WBT-FM	FM	10764	CHESTER, SC
WBTJ	FM	74168	RICHMOND, VA
WBZA	FM	71204	ROCHESTER, NY
WBZZ	FM	20351	NEW KENSINGTON, PA
WCBS	AM	9636	NEW YORK, NY
WCBS-FM	FM	9611	NEW YORK, NY
WCCO	AM	9642	MINNEAPOLIS, MN
WCFS-FM	FM	71283	ELMWOOD PARK, IL
WCMF-FM	FM	1905	ROCHESTER, NY
WDAF-FM	FM	8609	LIBERTY, MO
WDCH-FM	FM	72177	BOWIE, MD
WDOK	FM	28525	CLEVELAND, OH
WDSY-FM	FM	18525	PITTSBURGH, PA
WDZH	FM	25448	DETROIT, MI
WEAL	AM	49315	GREENSBORO, NC
WEEI	AM	1912	BOSTON, MA
WEEI-FM	FM	1919	LAWRENCE, MA
WEZB	FM	20346	NEW ORLEANS, LA
WFAN	AM	28617	NEW YORK, NY

Station Call Sign	Type	Fac. ID No.	Community of License
WFAN-FM	FM	67846	NEW YORK, NY
WFBC-FM	FM	34390	GREENVILLE, SC
WFNZ	AM	53974	CHARLOTTE, NC
WGGY	FM	36202	SCRANTON, PA
WGR	AM	56101	BUFFALO, NY
WHLL	AM	36545	SPRINGFIELD, MA
WIAD	FM	9619	BETHESDA, MD
WILK	AM	34380	WILKES-BARRE, PA
WILK-FM	FM	22666	AVOCA, PA
WINS	AM	25451	NEW YORK, NY
WIP-FM	FM	28628	PHILADELPHIA, PA
WJFK	AM	28638	MORNINGSIDE, MD
WJFK-FM	FM	28625	MANASSAS, VA
WJMH	FM	40754	REIDSVILLE, NC
WJZ	AM	28636	BALTIMORE, MD
WJZ-FM	FM	1916	CATONSVILLE, MD
WKBU	FM	52434	NEW ORLEANS, LA
WKIS	FM	64001	BOCA RATON, FL
WKRF	FM	14643	TOBYHANNA, PA
WKRK-FM	FM	74473	CLEVELAND HEIGHTS, OH
WKRZ	FM	34379	FREELAND, PA
WKSE	FM	34384	NIAGARA FALLS, NY
WKTK	FM	18520	CRYSTAL RIVER, FL
WKXJ	FM	14735	WALDEN, TN
WLFP	FM	2686	GERMANTOWN, TN
WLIF	FM	28637	BALTIMORE, MD
WLKK	FM	9250	WETHERSFIELD TOWNSHIP, NY
WLMG	FM	34376	NEW ORLEANS, LA
WLND	FM	72371	SIGNAL MOUNTAIN, TN
WLNK	FM	30834	CHARLOTTE, NC
WLYF	FM	30827	MIAMI, FL
WLZL	FM	20983	COLLEGE PARK, MD
WMAS-FM	FM	36543	ENFIELD, CT
WMC	AM	19185	MEMPHIS, TN
WMC -FM	FM	59449	MEMPHIS, TN
WMFS	AM	34374	MEMPHIS, TN
WMFS-FM	FM	4653	BARTLETT, TN
WMHX	FM	73655	WAUNAKEE, WI
WMJX	FM	25052	BOSTON, MA
WMMM-FM	FM	73663	VERONA, WI
WMQX	FM	22925	PITTSTON, PA

Station Call Sign	Type	Fac. ID No.	Community of License
WMXJ	FM	30840	POMPANO BEACH, FL
WMYX-FM	FM	27029	MILWAUKEE, WI
WNCX	FM	41390	CLEVELAND, OH
WNEW-FM	FM	25442	NEW YORK, NY
WNSH	FM	20886	NEWARK, NJ
WNVZ	FM	40755	NORFOLK, VA
WNYL	FM	58579	NEW YORK, NY
WOCL	FM	10138	DELAND, FL
WODS	AM	22667	WEST HAZLETON, PA
WOGL	FM	9622	PHILADELPHIA, PA
WOLX-FM	FM	60236	BARABOO, WI
WOMC	FM	28623	DETROIT, MI
WOMX-FM	FM	47746	ORLANDO, FL
WORD	AM	66390	SPARTANBURG, SC
WPAW	FM	40752	WINSTON-SALEM, NC
WPET	AM	71271	GREENSBORO, NC
WPGC-FM	FM	28632	MORNINGSIDE, MD
WPHT	AM	9634	PHILADELPHIA, PA
WPOW	FM	73893	MIAMI, FL
WPTE	FM	64004	VIRGINIA BEACH, VA
WPXY-FM	FM	53966	ROCHESTER, NY
WQAL	FM	72889	CLEVELAND, OH
WQAM	AM	64002	MIAMI, FL
WQMG	FM	47078	GREENSBORO, NC
WQMP	FM	73137	DAYTONA BEACH, FL
WRCH	FM	1910	NEW BRITAIN, CT
WRNL	AM	11960	RICHMOND, VA
WROC	AM	71205	ROCHESTER, NY
WROQ	FM	318	ANDERSON, SC
WRVA	AM	11914	RICHMOND, VA
WRVQ	FM	11963	RICHMOND, VA
WRVR	FM	34375	MEMPHIS, TN
WRXL	FM	11961	RICHMOND, VA
WRXR-FM	FM	72375	ROSSVILLE, GA
WSCR	AM	25445	CHICAGO, IL
WSFS	FM	29567	MIRAMAR, FL
WSKY-FM	FM	23352	MICANOPY, FL
WSMW	FM	71272	GREENSBORO, NC
WSPA-FM	FM	66400	SPARTANBURG, SC
WSSP	AM	27030	MILWAUKEE, WI
WSTR	FM	30822	SMYRNA, GA



<u>Station Call Sign</u>	<u>Type</u>	<u>Fac. ID No.</u>	<u>Community of License</u>
WTDY-FM	FM	51434	PHILADELPHIA, PA
WTIC	AM	66464	HARTFORD, CT
WTIC-FM	FM	66465	HARTFORD, CT
WTPT	FM	4677	FOREST CITY, NC
WTSS	FM	34382	BUFFALO, NY
WTVR-FM	FM	54387	RICHMOND, VA
WUSN	FM	28620	CHICAGO, IL
WUSY	FM	12315	CLEVELAND, TN
WVEE	FM	63776	ATLANTA, GA
WVEI	AM	74466	WORCESTER, MA
WVEI-FM	FM	71720	WESTERLY, RI
WVKL	FM	4672	NORFOLK, VA
WWBX	FM	26897	BOSTON, MA
WWDE-FM	FM	40753	HAMPTON, VA
WWEI	FM	11295	EASTHAMPTON, MA
WWJ	AM	9621	DETROIT, MI
WWKB	AM	34383	BUFFALO, NY
WWL	AM	34377	NEW ORLEANS, LA
WWL -FM	FM	52435	KENNER, LA
WWMX	FM	74196	BALTIMORE, MD
WWWL	AM	72959	NEW ORLEANS, LA
WWWS	AM	56104	BUFFALO, NY
WXRT	FM	16853	CHICAGO, IL
WXSS	FM	27031	WAUWATOSA, WI
WXYT	AM	28627	DETROIT, MI
WXYT-FM	FM	9618	DETROIT, MI
WYCD	FM	1089	DETROIT, MI
WYRD	AM	34389	GREENVILLE, SC
WYRD-FM	FM	53623	SIMPSONVILLE, SC
WZGC	FM	13805	ATLANTA, GA
WZMX	FM	1900	HARTFORD, CT

Appendix B

<u>Station Call Sign</u>	<u>Community of License</u>	<u>Application for License Renewal File No.</u>
WJZ	BALTIMORE, MD	0000104065
WJZ-FM	CATONSVILLE, MD	0000105007
WLIF	BALTIMORE, MD	0000104918
WWMX	BALTIMORE, MD	0000105004
WDCH-FM	BOWIE, MD	0000104044
WIAD	BETHESDA, MD	0000104997
WJFK	MORNINGSIDE, MD	0000104063
WJFK-FM	MANASSAS, VA	0000104076
WLZL	COLLEGE PARK, MD	0000104073
WPGC-FM	MORNINGSIDE, MD	0000104917
WNVZ	NORFOLK, VA	0000105020
WPTE	VIRGINIA BEACH, VA	0000104924
WVKL	NORFOLK, VA	0000104147
WWDE-FM	HAMPTON, VA	0000104925
WBTJ	RICHMOND, VA	0000104164
WRNL	RICHMOND, VA	0000104178
WRVA	RICHMOND, VA	0000104182
WRVQ	RICHMOND, VA	0000104186
WRXL	RICHMOND, VA	0000104188
WTVR-FM	RICHMOND, VA	0000104211
W249AR	ASHEVILLE, NC	0000105026
WBT	CHARLOTTE, NC	0000104094
WBT-FM	CHESTER, SC	0000105017
WFNZ	CHARLOTTE, NC	0000104139
WLNK	CHARLOTTE, NC	0000105033
WEAL	GREENSBORO, NC	0000104125
WJMh	REIDSVILLE, NC	0000104143
WPAW	WINSTON-SALEM, NC	0000104920
WPET	GREENSBORO, NC	0000104172
WQMG	GREENSBORO, NC	0000105002
WSMW	GREENSBORO, NC	0000104192
WFBC-FM	GREENVILLE, SC	0000104134
WORD	SPARTANBURG, SC	0000104081
WROQ	ANDERSON, SC	0000104928
WSPA-FM	SPARTANBURG, SC	0000104276
WTPT	FOREST CITY, NC	0000104270
WYRD	GREENVILLE, SC	0000104088
WYRD-FM	SIMPSONVILLE, SC	0000105015
WKTK	CRYSTAL RIVER, FL	0000104195
WSKY-FM	MICANOPY, FL	0000104209
WAXY	SOUTH MIAMI, FL	0000104193

<u>Station Call Sign</u>	<u>Community of License</u>	<u>Application for License Renewal File No.</u>
WKIS	BOCA RATON, FL	0000104223
WLYF	MIAMI, FL	0000104197
WMXJ	POMPANO BEACH, FL	0000104227
WPOW	MIAMI, FL	0000104203
WQAM	MIAMI, FL	0000104230
WSFS	MIRAMAR, FL	0000104207
WOCL	DELAND, FL	0000104198
WOMX-FM	ORLANDO, FL	0000104200
WQMP	DAYTONA BEACH, FL	0000104204
WAOK	ATLANTA, GA	0000104105
WSTR	SMYRNA, GA	0000104111
WVEE	ATLANTA, GA	0000104100
WZGC	ATLANTA, GA	0000104089
WRXR-FM	ROSSVILLE, GA	0000104231
WEZB	NEW ORLEANS, LA	0000103827
WKBU	NEW ORLEANS, LA	0000103941
WLMG	NEW ORLEANS, LA	0000103993
WWL	NEW ORLEANS, LA	0000104030
WWL-FM	KENNER, LA	0000104040
WWWL	NEW ORLEANS, LA	0000104057
WKXJ	WALDEN, TN	0000110950
WLND	SIGNAL MOUNTAIN, TN	0000110949
WUSY	CLEVELAND, TN	0000110955
WLFP	GERMANTOWN, TN	0000110946
WMC	MEMPHIS, TN	0000110940
WMC-FM	MEMPHIS, TN	0000110939
WMFS	MEMPHIS, TN	0000110943
WMFS-FM	BARTLETT, TN	0000110945
WRVR	MEMPHIS, TN	0000110942
WDOK	CLEVELAND, OH	0000114937
WKRK-FM	CLEVELAND HEIGHTS, OH	0000114935
WNCX	CLEVELAND, OH	0000114933
WQAL	CLEVELAND, OH	0000114932
WDZH	DETROIT, MI	0000114930
WOMC	DETROIT, MI	0000114927
WWJ	DETROIT, MI	0000114925
WXYT	DETROIT, MI	0000114923
WXYT-FM	DETROIT, MI	0000114921
WYCD	DETROIT, MI	0000114903