

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

In re Applications of	)	NAL/Acct. No. MB-202241410018
	)	
	)	
Radio Broadcasting Services, Incorporated	)	FRN: 0007598147
	)	Application File Nos. 0000162712, <i>et. seq.</i>
	)	
Beanpot License Corp.,	)	FRN: 0014298749
	)	Application File Nos. 0000162825, <i>et. seq.</i>
	)	
Lake Champlain Broadcasting, Inc.	)	FRN: 0018756072
	)	Application File No. 0000162865
for Approval of Transfer of Control of Broadcast	)	
Station Licenses from Steven A. Silberberg	)	
(Deceased) (Transferor) to Jacob Silberberg,	)	
Trustee of the Northeast Digital Trust (Transferee)	)	
	)	
and	)	
	)	
Montpelier Broadcasting, Inc.	)	FRN: 0008616385
	)	Application File Nos. 0000162867, <i>et. seq.</i>
	)	
Galloway Communications, Inc.	)	FRN: 0007468440
	)	Application File Nos. 0000162872, <i>et. seq.</i>
	)	
Lisbon Communications, Inc.	)	FRN: 0009954850
	)	Application File No. 0000162897
for Approval of Transfer of Control of Broadcast	)	
Station Licenses from Steven A. Silberberg	)	
(Deceased) (Transferor) to Jacob Silberberg,	)	
Trustee of the MBI Trust (Transferee)	)	
	)	
and	)	
	)	
Brahmin Broadcasting Corporation	)	FRN: 0010593085
	)	Application File Nos. 0000162881, <i>et. seq.</i>
	)	
Bad Lands Broadcasting Company, Inc.	)	FRN: 0013706064
	)	Application File Nos. 0000162886, <i>et. seq.</i>
	)	
The Casper Radio Group, Inc.	)	FRN: 0018987446
	)	Application File No. 0000162892
	)	
White Park Broadcasting, Inc.	)	FRN: 0011338662
	)	Application File Nos. 0000162893, <i>et. seq.</i>

Appaloosa Broadcasting Company, Inc.	)	FRN: 0009779455
	)	Application File Nos. 0000162898, <i>et. seq.</i>
	)	
Jackson Radio Group, Inc.	)	FRN: 0013706031
	)	Application File Nos. 0000162902, <i>et. seq.</i>
	)	
Freisland Broadcasting Corp.	)	FRN: 0018756031
	)	Application File Nos. 0000162911, <i>et. seq.</i>
for Approval of Transfer of Control of Broadcast	)	
Station Licenses from Steven A. Silberberg	)	
(Deceased) (Transferor) to Jacob Silberberg,	)	
Trustee of the Oregon Trail Trust (Transferee)	)	
	)	
and	)	
	)	
Applications for Renewal of License for	)	Facility ID Nos. 34812, and 84807
WRSA(AM) St. Albans, Vermont and FM	)	Application File Nos. 0000168589, and
Translator Station W299AM, Lebanon, New	)	0000168665
Hampshire	)	

### ORDER

**Adopted: August 1, 2022**

**Released: August 1, 2022**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau), the above-referenced licensees of the stations listed in the Appendix (collectively, the Licensees), and Jacob Silberberg, Trustee of Northeast Digital Trust, the MBI Trust, and the Oregon Trail Trust (Jacob Silberberg, Trustee, or Transferee). The Consent Decree resolves issues arising from the Bureau's review of the captioned applications for Commission consent to the proposed transfer of control (collectively, Transfer Applications), as amended,<sup>1</sup> of the Licensees from deceased controlling shareholder Steven A. Silberberg to Jacob Silberberg, Trustee, and the referenced applications for renewal of license (collectively, Renewal Applications) for WRSA(AM) St. Albans, Vermont (the Station) and FM Translator Station W299AM, Lebanon, New Hampshire (the Translator Station).

2. With respect to the Transfer Applications, the Consent Decree resolves the Bureau's investigation of the Licensees and the Transferee's compliance with section 310(d) of the

<sup>1</sup> In amendments to the Transfer Applications, Licensees filed a request for confidential treatment (Confidentiality Request) of certain information, submitted in response to Commission staff inquiries, along with redacted responses. *See* Request to Withhold Submissions from Public Inspection and For Treatment as Confidential, Pursuant to Sections 0.457 and 0.459, Application File Nos. 0000162712, *et. al.*, Letter (dated Jan. 4, 2022); *see also* 47 CFR §§ 0.457(d), 0.459(b). This Order and the attached Consent Decree do not disclose material that the Licensees have identified as confidential; we defer ruling on the Confidentiality Request unless and until necessary. *See* 47 CFR § 0.459(d)(3) (the Commission may defer acting on requests for confidential treatment of materials submitted to the Commission until a request for inspection has been made pursuant to § 0.460 or § 0.461; such materials will be accorded confidential treatment until the Commission acts on the confidentiality request and all subsequent appeal and stay proceedings have been exhausted). *See, e.g., iHeart Media*, Declaratory Ruling, 35 FCC Rcd 12770, para. 2, n.8 (MB 2020) and *Radio License Holding CBC, LLC*, Order and Consent Decree, 31 FCC Rcd 3, 8, para. 5, n.16 (EB 2016).

Communications Act of 1934, as amended (the Act),<sup>2</sup> and sections 73.3540 and 73.3541 of the Commission's rules (Rules).<sup>3</sup> Specifically, the Licensees should have filed applications for involuntary transfer of control within 30 days of January 13, 2021, when the then-controlling shareholder, Mr. Steven Silberberg, died, but did not do so.<sup>4</sup> Also, following the death of Steven Silberberg, Jacob Silberberg assumed de facto control of the Licensees without obtaining prior Commission approval for the non pro forma transfer of control.<sup>5</sup> Pursuant to the terms of the Consent Decree, the Licensees and the Transferee stipulate that they violated section 310(d) of the Act and sections 73.3540 and 73.3541 of the Rules.

3. Regarding the Renewal Applications, the Consent Decree resolves the Bureau's investigation of whether the Station and Translator Station were off the air without Commission consent. Specifically, licensee Radio Broadcasting Services, Incorporated, did not seek to extend the Station's special temporary authority (STA) to remain silent until two months after the STA had expired; and licensee Lisbon Communications, Inc., did not request an STA for the Translator Station to remain silent until seven months after the Translator Station had suspended operations.<sup>6</sup> Pursuant to the terms of the Consent Decree, these licensees stipulate that they violated sections 73.1740(a)(4) and 74.1263(c), respectively, of the Rules.<sup>7</sup>

4. The Consent Decree also requires, among other things, that the Licensees collectively make a twenty-five thousand dollar (\$25,000) civil penalty payment to the United States Treasury and undertake a three-year compliance plan to prevent future, similar violations.

5. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's investigations of potential violations of the Rules and the Act in connection with the Transfer Applications and the Renewal Applications. A copy of the Consent Decree is attached hereto and incorporated by reference.

6. Regarding the Transfer Applications and the Renewal Applications, based on the record before us, we conclude that nothing in that record creates a substantial and material question of fact as to whether the Licensees possess the basic qualifications to be Commission licensees.

7. ACCORDINGLY, IT IS ORDERED that, pursuant to section 4(i) of the Act,<sup>8</sup> and by the authority delegated by sections 0.61 and 0.283 of the Rules,<sup>9</sup> the Consent Decree attached hereto IS ADOPTED without change, addition, or modification.

8. IT IS FURTHER ORDERED that the investigations by the Bureau of the matters noted above ARE TERMINATED.

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<sup>2</sup> 47 U.S.C. § 310(d).

<sup>3</sup> 47 CFR §§ 73.3540, 73.3541.

<sup>4</sup> *Id.* § 73.3541. In particular, the Licensees did not file the Transfer Applications until approximately nine months after the death of Mr. Steven Silberberg. See *Broadcast Applications*, Public Notice, Report No. PN-1-21 1006-01 (MB Oct. 6, 2021); *Broadcast Applications*, Public Notice, Report No. PN-1-21 1007-01 (MB Oct. 7, 2021).

<sup>5</sup> 47 CFR § 73.3540.

<sup>6</sup> See Application File Nos. BLESTA-202011 12AAH and BLSTA-202109 10AAA.

<sup>7</sup> 47 CFR §§ 73.1740(a)(4) and 74.1263(c).

<sup>8</sup> 47 U.S.C. § 4(i).

<sup>9</sup> 47 CFR §§ 0.61, 0.283.

9. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to counsel for the Licensees and the Transferee, Barry A. Friedman, Esq., Thomson Hine LLP, 1919 M Street, N.W., Suite 700, Washington, DC 20036.

FEDERAL COMMUNICATIONS COMMISSION

Holly Saurer  
Chief, Media Bureau

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Translator Station W299AM, Lebanon, New	)	0000168665
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### CONSENT DECREE

#### I. INTRODUCTION

1. This Consent Decree is entered into by and between the Media Bureau (Bureau) of the Federal Communications Commission, the Licensees (as defined below), and Jacob Silberberg, Trustee of the Northeast Digital Trust, the MBI Trust, and the Oregon Trail Trust, for the purpose of terminating the Bureau's investigations concerning compliance with section 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(d), and sections 73.3540, 73.3541, 73.1740(a)(4), and 74.1263(c) of the FCC's rules, 47 CFR §§ 73.3540, 73.3541, 73.1740(a)(4), and 74.1263(c).

#### 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) "Adopting Order" means the order of the Bureau adopting this Consent Decree;
  - (c) "Bureau" means the Media Bureau of the Federal Communications Commission;
  - (d) "Civil Penalty" means the payment the Licensees have agreed to collectively pay to the United States Treasury;
  - (e) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices;
  - (f) "Compliance Plan" means the compliance plan set forth herein;
  - (g) "Effective Date" means the date on which the Bureau releases the Adopting Order;
  - (h) "Investigations" means the Bureau's investigations of information contained in the Renewal Applications and the Transfer Applications, as detailed herein;
  - (i) "Involuntary Transfer of Control Rule" means 47 CFR § 73.3541;
  - (j) "Licensees" mean collectively, Radio Broadcasting Services, Incorporated, Beanpot License Corp., Lake Champlain Broadcasting, Inc., Montpelier Broadcasting, Inc., Galloway Communications, Inc., Lisbon Communications, Inc., Brahmin Broadcasting Corporation, Bad Lands Broadcasting Company, Inc., The Casper Radio Group, Inc., White Park Broadcasting, Inc., Appaloosa

Broadcasting Company, Inc., Jackson Radio Group, Inc., Freisland Broadcasting Corp., and their subsidiaries, divisions and affiliates;

- (k) “Licenses” refers to the license authorizations set forth in Appendix hereto;
- (l) “Parties” mean the Licensees, the Transferee, and the Bureau;
- (m) “Renewal Applications” mean Application File Nos. 0000168589 and 0000168665, for Station WRSA(AM) St. Albans, Vermont, and FM Translator Station W299(AM), Lebanon, New Hampshire, respectively;
- (n) “Rules” mean the FCC’s rules, found in Title 47 of the Code of Federal Regulations;
- (o) “Silent Station STA Rule” means 47 CFR § 73.1740(a)(4);
- (p) “Silent Translator Station STA Rule” means 47 CFR § 74.1263(c);
- (q) “Station” means Station WRSA(AM), St. Albans, Vermont;
- (r) “Transfer Applications” means the FCC Form 2100, Schedule 315 applications for consent to transfer of control of the licensees of the broadcast stations associated with Application File Nos. 0000162712, *et. seq.*, 0000162825, *et. seq.*, 0000162865, 0000162867, *et. seq.*, 0000162872, *et. seq.*, 0000162897, 0000162881, *et. seq.*, 0000162886, *et. seq.*, 0000162892, 0000162893, *et. seq.*, 0000162898, *et. seq.*, 0000162902, *et. seq.*, and 0000162911, *et. seq.*;
- (s) “Transferee” means Jacob Silberberg, Trustee, of the Trusts;
- (t) “Translator Station” means FM Translator Station W299AM, Lebanon, New Hampshire;
- (u) “Trusts” mean collectively, the Northeast Digital Trust, the MBI Trust, and the Oregon Trail Trust;
- (v) “Violations” mean the violations of the Involuntary and Voluntary Transfer of Control Rules, the Silent Station STA Rule, the Silent Translator Station STA Rule, and section 310(d) of the Act; and
- (w) “Voluntary Transfer of Control Rule” means 47 CFR § 73.3540.

### III. BACKGROUND

3. *Transfer Applications: Unauthorized Transfer of Control.* Section 310(d) of the Act, provides in pertinent part:

No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.<sup>10</sup>

4. The Involuntary Transfer of Control Rule stipulates that:

The FCC shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, a member of a

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<sup>10</sup> 47 U.S.C. § 310(d).

partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee.

Within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.<sup>11</sup>

5. In addition, the Voluntary Transfer of Control Rule states that “[p]rior consent of the FCC must be obtained for a voluntary assignment or transfer of control.”<sup>12</sup> The rule requires that an “[a]pplication for consent to the transfer of control of a corporation holding a construction permit or license must be filed on [FCC Form 2100, Schedule 315]” where the transaction involves the transfer of a controlling interest from one individual to another.<sup>13</sup>

6. Steven A. Silberberg was the controlling shareholder of the Licensees. On January 13, 2021, Mr. Silberberg passed away. More than 30 days elapsed between Mr. Silberberg’s passing and the submissions of the Transfer Applications in October 2021 seeking to transfer control of the Licensees from Mr. Silberberg to the Trusts.<sup>14</sup> During the time period between Mr. Silberberg’s passing and the filing of the Transfer Applications, Jacob Silberberg, son of Steven Silberberg, assumed de facto control of the Licensees without prior Commission consent.<sup>15</sup> Specifically, on February 8, 2021, Jacob Silberberg, Hattie P. Danziger, daughter of Steven Silberberg, and Lisa Burgess, were appointed as executors of the Estate of Steven A. Silberberg.<sup>16</sup> Subsequently, on March 17, 2021, the transferee Trusts were created to eventually hold Steven Silberberg’s controlling stock and membership interests in the

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<sup>11</sup> 47 CFR § 73.3541.

<sup>12</sup> *Id.* § 73.3540(a).

<sup>13</sup> *See id.* § 73.3540(d).

<sup>14</sup> *See Broadcast Applications*, Public Notice, Report No. PN-1-211006-01 (MB Oct. 6, 2021); *Broadcast Applications*, Public Notice, Report No. PN-1-211007-01 (MB Oct. 7, 2021). Prior to his death Mr. Steven Silberberg held the following controlling interests: 51% of Northeast Digital and Wireless, Inc., the ultimate parent entity of Radio Broadcasting Services, Incorporated, Beanpot License Corp., and Lake Champlain Broadcasting, Inc. (collectively, the NDW licenses); 50.5% of Montpelier Broadcasting, Inc., the ultimate parent entity of Montpelier Broadcasting, Inc., Galloway Communications, Inc., and Lisbon Communications, Inc. (collectively the MBI licenses); and 68.2% of Oregon Trail Broadcasting, LLC, the ultimate parent company of Brahmin Broadcasting Corporation, Bad Lands Broadcasting Company, Inc., The Casper Radio Group, Inc., White Park Broadcasting, Inc., Appaloosa Broadcasting Company, Inc., Jackson Radio Group, Inc., and Freisland Broadcasting Corp. (collectively the OTB licenses). Upon grant of the Transfer Applications, control of the Licenses will be as follows: the NDW licenses will be transferred to Jacob Silberberg, Trustee of the Northeast Digital Trust; the MBI licenses will be transferred to Jacob Silberberg, Trustee of the MBI Trust; and the OTB licenses will be transferred to Jacob Silberberg, Trustee of the Oregon Trail Trust. In addition, with respect to the NDW licenses, Mr. Steven Silberberg also held a non-controlling interest of 37.2% as Trustee of the Steven A. Silberberg Irrevocable Trust. This non-controlling interest will be transferred to three trustees: Jacob Silberberg, Hattie Danziger, and Lisa Burgess. *See Transfer Applications, Changes in Interests.*

<sup>15</sup> 47 CFR § 73.3540.

<sup>16</sup> *See Transfer Applications*, as amended, “Certificate of Appointment,” Estate of Steven A Silberberg (dated Feb. 9, 2021).



Licensees, with Jacob Silberberg as the sole Trustee.<sup>17</sup> According to Jacob Silberberg, the stock and membership interests that were held by Steven Silberberg did not transfer to his estate upon his death, but instead were “held in suspense.”<sup>18</sup>

7. Here, the Licensees should have filed involuntary transfer of control applications within 30 days of when the controlling shareholder, Steven Silberberg, died on January 13, 2021, but the Licensees did not do so. In addition, following the death of Steven Silberberg, Jacob Silberberg assumed de facto control of the Licensees without obtaining prior Commission approval for the non pro forma transfer of control.<sup>19</sup>

8. *Renewal Applications: Unauthorized Silence.* Section 73.1740(a)(4) of the Rules requires licensees of commercial broadcast stations to notify the Commission within 10 days of temporarily discontinuing operations and to obtain Commission authorization if the discontinued operations last beyond 30 days. In the application for renewal of the Station license, licensee Radio Broadcasting Services, Incorporated, disclosed that during the preceding license term, the Station had been silent for a period of more than 30 days. Specifically, the Station went silent on February 6, 2020, and did not resume operations until January 22, 2021.<sup>20</sup> On March 12, 2020, in response to the prior licensee’s timely request, the Bureau granted the Station special temporary authority (STA) to remain silent until September 8, 2020.<sup>21</sup> On May 1, 2020, the Station was assigned to Radio Broadcasting Services, Incorporated.<sup>22</sup> On November 12, 2020, two months after the Station’s STA had expired, Radio Broadcasting Services, Incorporated, filed a request for the Station to remain silent until February 6, 2021.<sup>23</sup> On January 12, 2021, the Bureau granted the licensee’s untimely request, but noted that the STA extension did not authorize the Station’s silence between September 8, 2020, through November 12, 2020.<sup>24</sup>

9. Section 74.1263(c) of the Rules requires licensees of translator stations to notify the Commission within 10 days of temporarily discontinuing operations and to obtain Commission authorization if the discontinued operations last beyond 30 days. In the application for renewal of the Translator Station license, licensee Lisbon Communications, Inc., disclosed that the Translator Station was then off the air. Specifically, the Translator Station went silent on February 2, 2021, and did not resume operations until December 29, 2021.<sup>25</sup> On September 10, 2021, seven months after the Translator Station went silent, the licensee filed a request for STA for the Station to remain silent until February 2,

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<sup>17</sup> *Id.*, Declaration of Jacob Silberberg (redacted) at 1-4 (dated Mar. 14, 2022).

<sup>18</sup> *Id.*, Declaration of Jacob Silberberg (redacted) at 1 (dated Jan. 4, 2022).

<sup>19</sup> 47 CFR § 73.3540.

<sup>20</sup> WRSA(AM) Resumption of Operations Notice, Application File No. BLESTA-20201112AAH (filed Jan. 12, 2021).

<sup>21</sup> See *Letter from Victoria McCauley, Attorney, Audio Division, FCC Media Bureau, to Radio Sound Company, LLC*, Application File No. BLSTA-20200219AAH, (dated Mar. 12, 2020).

<sup>22</sup> See “Consummation Notice,” Application File Nos. BAL-20200219AAL and BAPFT-20200219AAM (filed May 7, 2020). During the preceding license term, Radio Broadcasting Services, Incorporated, has been the Station’s licensee except from May 20, 2019, to May 1, 2020, when Radio Sound Company, LLC was the Station’s licensee.

<sup>23</sup> See *Letter from Victoria McCauley, Attorney, Audio Division, FCC Media Bureau to Barry A. Friedman, Esq.*, Application File No. BLESTA-202001112AAH (dated Jan. 12, 2021).

<sup>24</sup> See *id.* at 1, n.1.

<sup>25</sup> See “Resumption of Operations,” W299AM, (filed Dec. 30, 2021).

2022.<sup>26</sup> On November 29, 2021, the Bureau granted the licensee's untimely request, but noted that the STA grant did not authorize the Translator Station's silence between February 2, 2021, through September 10, 2021.<sup>27</sup>

10. The Parties acknowledge that any proceedings that might result from the Violations involving the Transfer Applications and the Renewal Applications would be time-consuming and require a substantial expenditure of public and private resources. In order to conserve such resources, resolve the matters, and promote compliance with the Rules, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

#### IV. TERMS OF AGREEMENT

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

12. **Jurisdiction.** Licensees agree that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

13. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. Upon the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Licensees agree that they are required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. Any violation of the Adopting Order or the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to enforcement of a Commission order.

14. **Termination of Investigations.** 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 Investigations. In consideration for the termination of the Investigation, the Licensees agree to the terms, conditions, and procedures contained herein.

15. The Bureau further agrees that, in the absence of new material evidence, it will not use the Violations or the existence of this Consent Decree in any action against the Licensees concerning the matters that were the subject of the Investigations, provided that the Licensee satisfies all of its obligations under this Consent Decree. In the event that the Licensees fail to satisfy any 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.

16. **Admission of Liability.** Licensees and the Transferee stipulate, in express reliance on the provisions of Paragraphs 14-15 hereof, that their actions described in Paragraphs 6-8 violated Section 310(d) of the Act and sections 73.3540 and 73.3541 of the Rules. In addition, licensees Radio Broadcasting Services, Incorporated, and Lisbon Communications, Inc., admit that they failed to timely request permission for the Station and the Translator Station to remain silent in violation of sections 73.1740(a)(4) and 74.1263(c), respectively, of the Rules.

17. **Civil Penalty.** Licensees agree to collectively make the Civil Penalty payment to the United States Treasury in the amount of twenty-five thousand dollars (\$25,000), within thirty (30) calendar days of the Effective Date. Licensee acknowledges and agrees that upon execution of this

<sup>26</sup> See Letter from Victoria McCauley, Attorney, Audio Division, FCC Media Bureau, to Barry A. Friedman, Esq., Application File No. BLSTA-20210910AAA (dated Nov. 29, 2021). The STA grant letter stated that the Translator Station went silent on February 2, 2020, instead of the correct date of February 2, 2021.

<sup>27</sup> See *id.* at 2. The STA grant letter stated incorrectly that the unauthorized silent period ran from March 2, 2020, until September 10, 2021, instead of the correct time period from February 2, 2021, until September 10, 2021.

Consent Decree, the Civil Penalty shall become a “Claim” or “Debt” as defined in Section 3701(b)(1) of the Debt Collection Improvement Act of 1996.<sup>28</sup>

18. **Payment.** Licensees will also send electronic notification of payment to Kim Varner at [Kim.Varner@fcc.gov](mailto:Kim.Varner@fcc.gov) and Christopher Clark at [Christopher.Clark@fcc.gov](mailto:Christopher.Clark@fcc.gov) on the date said payment is made. Payment of the Civil Penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission’s online payment system),<sup>29</sup> or by wire transfer. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:<sup>30</sup>

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to [RROGWireFaxes@fcc.gov](mailto:RROGWireFaxes@fcc.gov) on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).<sup>31</sup> For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/core/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

19. **Compliance Officer.** Within 30 calendar days after the Effective Date, the Licensees shall designate a Compliance Officer who will administer the Compliance Plan, supervise the Licensees’

<sup>28</sup> Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

<sup>29</sup> Payments made using CORES do not require the submission of an FCC Form 159.

<sup>30</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

<sup>31</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

compliance with the Act and the Rules, and serve as the point of contact on behalf the Licensees for all FCC-related compliance matters.

20. **Compliance Plan.** Licensees agree that they shall, within 30 calendar days after the Effective Date, develop, implement, and maintain for a period of three (3) years a Compliance Plan designed to ensure future compliance with the Act and the Rules. The Compliance Plan shall contain, at a minimum, the following elements:

- a. **Compliance Manual.** The Compliance Plan shall include a Compliance Manual that is distributed to employees and others who perform duties for the Licensees that trigger or may trigger compliance-related responsibilities. The Compliance Manual shall include: (1) an overview of the Commission's requirements with respect to applications for assignment or transfer of control of FCC licenses, including the need for prior approval for license assignments and transfers of control as set forth in the Rules; (2) a description of the regulatory requirements applicable to the accurate reporting of information in assignment and transfer of control applications; and (3) the need to timely request permission for a broadcast station to suspend operations for more than 30 days as set forth in the Rules. Licensees shall update the Compliance Manual from time to time to reflect changes to relevant sections of the Act, Rules, and Commission orders, and as otherwise needed.
- b. **Compliance Training Program.** Within 90 days of the Effective Date, Licensees shall begin administering a Compliance Training Program for employees and others who perform duties for the Licensees related to assignment and transfer of control applications and requests for special temporary authority for a broadcast station to remain silent. This Compliance Training Program shall be completed for all such employees within one hundred and twenty (120) days of the Effective Date. This Compliance Training Program shall also be presented to new employees who are engaged in such activities, within the first sixty (60) calendar days of employment. This Compliance Training Program shall track the Compliance Manual, focusing on proper implementation of the Compliance Manual.
- c. **Compliance Reports.** Licensees shall submit a Compliance Report to the Commission 90 days after the Effective Date and annually thereafter on the anniversary of the Effective Date for a period of three (3) years. Each Compliance Report will include a certification by the Compliance Officer, as an agent of and on behalf of Licensee, attesting to personal knowledge that: (1) Licensees have established operating procedures intended to ensure compliance with the terms and conditions of this Consent Decree and with section 310(d) of the Act and Involuntary and Voluntary Transfer of Control Rules, the Silent Station STA Rule, and the Silent Translator Station STA Rule, together with an accompanying statement explaining the basis for the certification; (2) Licensees have been utilizing those procedures since the previous Compliance Report was submitted; and (3) Licensees are not aware of any instances of non-compliance with the Consent Decree or those specified sections of the Act and Rules. The certification must comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein. If the Compliance Officer cannot provide the requisite certification, then the Compliance Officer shall provide the Commission with a detailed explanation of: (i) any instances of non-compliance with this Consent Decree and the Act or Rules, and (ii) the steps that Licensees have taken or will take to remedy each instance of non-compliance and ensure future compliance, and the schedule on which proposed remedial actions will be taken. A copy will be served on Christopher Clark, Assistant Chief, Audio Division, FCC Media Bureau, at [Christopher.Clark@fcc.gov](mailto:Christopher.Clark@fcc.gov).

21. **Qualifications; Agreement to Grant.** The Bureau finds that the Investigations raise no substantial and material questions of fact as to whether the Licensees possess the basic qualifications, including those relating to character, to hold a Commission license or authorization. Accordingly, the Bureau agrees to grant the Transfer Applications and the Renewal Applications after the Effective Date, provided that the following conditions have been met: 1) the Civil Penalty payment, referenced in paragraph 17 of this Decree, has been fully and timely satisfied; and 2) there are no issues other than the Violations that would preclude grant of the Transfer Applications and the Renewal Applications.

22. **Waivers.** Licensees agree to waive 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 Adopting Order, provided the Consent Decree is adopted without change, addition or modification. If any 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, no Party will contest the validity of the Consent Decree or Adopting Order, and Licensee will waive any statutory right to a *trial de novo*. Licensees further agree to waive any claims they may otherwise have under the Equal Access to Justice Act, 5 U.S.C. Section 504 and Section 1.1501 *et. seq.* of the Rules relating to the Consent Decree or Adopting Order.

23. **Severability.** The Parties agree that if a court of competent jurisdiction renders any of the provisions of this Consent Decree unenforceable, such unenforceability shall not render unenforceable the 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.

24. **Invalidity.** In the event that this Consent Decree in its entirety 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.

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

26. **Successors and Assigns.** Licensees agree that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

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

28. **Modifications.** This Consent Decree cannot be modified or amended without the advance written consent of all Parties.

29. **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.

30. **Authorized Representative.** Each Party represents and warrants to the other Party 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.

31. **Counterparts.** 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:   
Holly Saurer, Chief, Media Bureau

Date: August 1, 2022

**NORTHEAST DIGITAL TRUST, MBI TRUST,  
AND OREGON TRAIL TRUST**

By: \_\_\_\_\_  
Jacob Silberberg, Trustee

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


31. **Counterparts.** 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: \_\_\_\_\_  
Holly Saurer, Chief, Media Bureau

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

**NORTHEAST DIGITAL TRUST, MBI TRUST,  
AND OREGON TRAIL TRUST**

By:  \_\_\_\_\_  
Jacob Silberberg, Trustee

Date: July 28, 2022

**APPENDIX: STATIONS SUBJECT TO UNAUTHORIZED TRANSFER OF CONTROL****I. FROM STEVEN SILBERBERG (DECEASED) (TRANSFEROR) TO JACOB SILBERBERG, TRUSTEE OF THE NORTHEAST DIGITAL TRUST (TRANSFeree)****A. RADIO BROADCASTING SERVICES, INCORPORATED (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
<b>WWMP</b>	<b>FM</b>	<b>WATERBURY</b>	<b>VT</b>	<b>20592</b>	<b>0000162712</b>
WIFY	FM	ADDISON	VT	83867	0000162713
W252CJ	FX	BURLINGTON	VT	155550	0000162714
WFAD	AM	MIDDLEBURY	VT	53612	0000162715
WRSA	AM	ST. ALBANS	VT	34812	0000162716
W266CU	FX	MIDDLEBURY	VT	154466	0000162717
WCAT	AM	BURLINGTON	VT	73613	0000162718
WWMP-FM1	FB	MONTPELIER	VT	110504	0000162719

**B. BEANPOT LICENSE CORP. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
<b>WXRv</b>	<b>FM</b>	<b>ANDOVER</b>	<b>MA</b>	<b>49385</b>	<b>0000162825</b>
WXRv-FM1	FB	FRAMINGHAM	MA	198698	0000162826
WXRv-FM2	FB	DOVER	MA	198697	0000162827
W243DC	FX	NEEDHAM	MA	148707	0000162828
WXRv-FM5	FB	BOSTON	MA	198907	0000162829
WXRv-FM4	FB	BOSTON	MA	198695	0000162830
WXRv-FM3	FB	NEWTON	MA	198696	0000162831

**C. LAKE CHAMPLAIN BROADCASTING, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
<b>WIXM</b>	<b>FM</b>	<b>GRAND ISLE</b>	<b>VT</b>	<b>34811</b>	<b>0000162865</b>



**II. FROM STEVEN SILBERBERG (DECEASED) (TRANSFEROR) TO JACOB SILBERBERG, TRUSTEE OF THE MBI TRUST (TRANSFeree)**

**D. MONTPELIER BROADCASTING, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
WNCS	FM	MONTPELIER	VT	43655	0000162867
WDOT	FM	DANVILLE	VT	4001	0000162868
W227AQ	FX	BURLINGTON	VT	145050	0000162869
W262AA	FX	MONTPELIER	VT	43656	0000162870

**E. GALLOWAY COMMUNICATIONS, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
WSKI	AM	MONTPELIER	VT	23049	0000162872
W227DF	FX	MONTPELIER	VT	139921	0000162873

**F. LISBON COMMUNICATIONS, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
W299AM	FX	LEBANON	NH	84807	0000162897

**III. FROM STEVEN SILBERBERG (DECEASED) (TRANSFEROR) TO JACOB SILBERBERG, TRUSTEE OF THE OREGON TRAIL TRUST (TRANSFeree)**

**G. BRAHMIN BROADCASTING CORPORATION (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
KRRR	FM	CHEYENNE	WY	35511	0000162881
KJMP	AM	PIERCE	CO	129513	0000162882
K283CN	FX	FORT COLLINS	CO	149712	0000162883

**H. BAD LANDS BROADCASTING COMPANY, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
<b>KFMH</b>	<b>FM</b>	<b>BELLE FOURCHE</b>	<b>SD</b>	<b>40636</b>	<b>0000162886</b>
KRKI-FM1	FB	RAPID CITY	SD	164915	0000162887
KRKI	FM	KEYSTONE	SD	89114	0000162888
KFMH-FM1	FB	RAPID CITY	SD	164913	0000162889
KXZT	FM	NEWELL	SD	164201	0000162890

**I. THE CASPER RADIO GROUP, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
<b>KHAD</b>	<b>FM</b>	<b>UPTON</b>	<b>WY</b>	<b>166003</b>	<b>0000162892</b>

**J. WHITE PARK BROADCASTING, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
<b>KWHO</b>	<b>FM</b>	<b>LOVELL</b>	<b>WY</b>	<b>164288</b>	<b>0000162893</b>
KBEN-FM	FM	COWLEY	WY	165998	0000162894
KROW	FM	CODY	WY	165999	0000162895
KIMX	FM	CENTENNIAL	WY	190378	0000162896

**K. APPALOOSA BROADCASTING COMPANY, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
<b>KHAT</b>	<b>AM</b>	<b>LARAMIE</b>	<b>WY</b>	<b>10333</b>	<b>0000162898</b>
KRQU	FM	LARAMIE	WY	82198	0000162899
K244FN	FX	LARAMIE	WY	154899	0000162900
KYAP	FM	NUNN	CO	82007	0000162901

**L. JACKSON RADIO GROUP, INC. (LICENSEE)**

Call Sign	Service	City	State	Facility Id.	File Number
<b>KIXM</b>	<b>FM</b>	<b>VICTOR</b>	<b>ID</b>	<b>87972</b>	<b>0000162902</b>
KDAD	FM	VICOR	ID	88087	0000162903

**M. FREISLAND BROADCASTING, CORP. (LICENSEE)**

<b>Call Sign</b>	<b>Service</b>	<b>City</b>	<b>State</b>	<b>Facility Id.</b>	<b>File Number</b>
<b>KAZY</b>	<b>FM</b>	<b>CHEYENNE</b>	<b>WY</b>	<b>162407</b>	<b>0000162911</b>
KRAN	FM	WARREN AFB	WY	166001	0000162912