

**DA 23-917**

**Released: October 6, 2023**

**ENFORCEMENT BUREAU ANNOUNCES 2023 MVPD EEO AUDITS**

On October 6, 2023, the Enforcement Bureau issued the second set of Equal Employment Opportunity (EEO) audit letters for 2023, which were sent to randomly selected multichannel video programming distributors (MVPDs). In accordance with sections 73.2080(f)(4) and 76.77(d) of the Commission’s rules,[[1]](#footnote-3) the Commission annually audits the EEO programs of randomly selected broadcast licensees and MVPDs. Each year, approximately five percent of all broadcast stations and MVPDs are selected.[[2]](#footnote-4)

A list of the MVPD employment units included in this audit and the text of the October 6, 2023 letter appear on the following pages, which are also located at the Enforcement Bureau’s EEO headline page at: <https://www.fcc.gov/enforcement/eb-eeo/equal-employment-opportunity-headlines>. Responses to the audit letter are due no later than November 6, 2023, and must be submitted via the Commission’s Electronic Comment Filing System (ECFS) in Docket Number 23-327, which can be found at: <http://apps.fcc.gov/ecfs>.

Please be advised that, in contrast with past practice, the Enforcement Bureau will no longer issue letters to MVPDs upon completion of our review of audit responses. If questions arise during staff review, the Enforcement Bureau will contact the employment unit.

Enforcement Bureau Contact: EB-EEO@fcc.gov or 202-418-1450

**Federal Communications Commission**

Washington, D.C. 20554

**October 6, 2023**

Attn: Employment Unit ID # XXXXX

1. In accordance with 47 CFR § 76.77(d), employment unit # XXXXX (the Unit) has been randomly selected for an audit of its Equal Employment Opportunity (EEO) program. A copy of section 76.77 of the Federal Communications Commission (FCC or Commission) rules as well as other rules referenced in this letter are available here: <https://www.fcc.gov/enforcement/eb-eeo/equal-employment-opportunity-rules>.

2. **Audit Data Requested.**

(a) If the Unit has fewer than six full-time employees (defined by section 76.75(h) as employees regularly assigned to work 30 hours a week or more), it must provide only a list of the Unit’s full-time employees identified by job title (no personal names should be provided), the number of hours each is regularly assigned to work per week, and a response to question 2(b)(vi) below.

(b) If the Unit employs six or more full-time employees, it must provide the following information in response to this letter, including an explanation regarding any information the Unit is unable to provide:

(i) The Unit’s most recent EEO program information, described in 47 CFR § 76.1702(b), which was required to be placed in the Unit’s public file by October 2, 2023[[3]](#footnote-5) (2023 EEO Public File Report). If the Unit maintains a website, provide its website address. If the Unit’s 2023 EEO Public File Report is not posted to that website, as required by 47 CFR § 76.1702(b), explain why the report is not so posted. If the Unit does not maintain a website, but its corporate site contains a link to a site pertaining to the Unit, identify the corporate website address where the Unit’s 2023 EEO Public File Report is linked.

(ii) For each full-time position filled during the period covered by the 2023 EEO Public File Report, or since acquisition of the Unit (if such acquisition occurred during that period), dated copies of all advertisements, bulletins, letters, faxes, e-mails, or other communications announcing the position, as described in 47 CFR § 76.75(c)(3). However, to reduce the burden of responding to this audit, if a job notice was sent to multiple sources, the Unit may provide: (1) documentation showing one such notice was sent; (2) a list of the sources to which the Unit sent the notice; and (3) a statement confirming notices to all additional sources used to announce the vacancy were retained, as required by section 76.75(c). Include, however, copies of all job announcements sent to any organization (identified separately from other sources) that has notified the Unit that it wants to be notified of its job openings, as described in 47 CFR § 76.75(b)(1)(ii).

(iii) The date that each full-time position was filled during the period covered by the 2023 EEO Public File Report and the recruitment source that referred the hire, as described in 47 CFR § 76.75(c)(6).

(iv) In accordance with 47 CFR § 76.75(c)(5), the total number of interviewees for each vacancy, and the referral source for each interviewee for all full-time unit vacancies filled during the period covered by the 2023 EEO Public File Report.

(v) Dated documentation demonstrating the Unit’s performance of recruitment initiatives described in 47 CFR § 76.75(b)(2) during the period covered by the 2023 EEO Public File Report, such as participation at job fairs, events with educational institutions, and mentoring and training programs for staff. Specify the Unit personnel involved in each such recruitment initiative. Also, provide the Unit’s total number of full-time employees and state whether the population of the market in which the Unit is located is 250,000 or more. Based upon these two factors, determine and state whether the unit is required to perform one or two recruitment initiatives within a 12-month period, pursuant to 47 CFR § 76.75(b)(2). If the Unit performed more than the required number of initiative activities, it may provide documentation for only the required amount in its response, i.e., one or two points worth. If any documentation provided appears inadequate, e.g., it is not dated or does not clearly prove the Unit’s participation, the Commission may ask for additional verification.

(vi) Any pending or resolved complaints involving the Unit filed during the past five years before any body having competent jurisdiction under federal, state, territorial or local law, alleging unlawful discrimination in the employment practices of the Unit on the basis of race, color, religion, national origin, age, or sex. For each such complaint, provide: (1) a brief description of the allegations and issues involved; (2) the name(s) of the complainant and other persons involved; (3) the date the complaint was filed; (4) the court or agency before which it is pending or was resolved; (5) the file or case number; and (6) the disposition and date thereof or current status. All complaints must be reported, regardless of status or disposition.

(vii) In accordance with 47 CFR § 76.75(f), a description of the Unit’s efforts to analyze its recruitment program to ensure that it is effective in achieving broad outreach and how the unit has addressed any problems found as a result of such analysis.

(viii) In accordance with 47 CFR § 76.75(g), a description of the Unit’s efforts to analyze its EEO policies and employment practices to examine seniority, promotions, pay, benefits, selection techniques, and tests to ensure that they provide equal opportunity and do not have a discriminatory effect and, if the Unit has one or more union agreements, a description of how the unit cooperates with each union to ensure EEO policies are followed for the Unit’s union-member employees and job applicants. Address any problems found as a result of this 47 CFR § 76.75(g) analysis and how the Unit has resolved them.

3. **Procedures.**

(a) **The response to this audit letter must be received by the Commission by no later than November 6, 2023.**  Do NOT send paper copies of your response. Responses must be submitted via the Commission’s Electronic Comment Filing System (ECFS), found at <http://apps.fcc.gov/ecfs>, in Docket Number 23-327. ECFS assistance is available by contacting the ECFS Help Desk at (202) 418- 0193 or via e-mail at ECFSHelp@fcc.gov.

(b) The accuracy and completeness of the response must be certified by an authorized officer, partner or other principal of the owner of the Unit. To knowingly and willfully make any false statement or conceal any material fact in response to this audit is punishable by fine or imprisonment (*see* 18 U.S.C. § 1001; *see also* 47 CFR § 1.17), and/or forfeiture (47 U.S.C. § 503). Absent an extension of time, failure to respond to this audit letter by November 6, 2023,is also punishable by sanctions in accordance with 47 CFR § 76.77(f) and may result in a certification that the unit is not in compliance with the Commission’s EEO rules for 2023.

(c) Any extension of time must be requested at least five days prior to the aforementioned deadline (via e-mail to EB-EEO@fcc.gov), should indicate the additional time the Unit believes it needs to complete its response (not to exceed 15 days), and will be granted only upon a showing of good cause. Unless and until an extension is granted, the original deadline remains in effect.

(d) Upon receipt, audit responses will be reviewed for completeness. If any questions arise or there are missing materials, EEO staff will contact you. The Enforcement Bureau no longer issues letters to licensees upon completion of our review of audit responses.

4. Please note that information submitted via ECFS is publicly available online. Accordingly, please do not include personal information in the Unit’s submission, such as social security numbers, home addresses, or other personally identifiable information. The Commission does not require that MVPDs retain such information in their records, or that such information be provided in response to this audit letter.

5. Should you have any questions, contact EEO staff at (202) 418-1450 or EB-EEO@fcc.gov. Thank you for your cooperation.

Sincerely,

/s/ Elizabeth Goldin

Elizabeth E. Goldin

Assistant Chief, Investigations & Hearings Division

Enforcement Bureau

**October 6, 2023 MVPD EEO AUDIT**

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| **Unit ID #** | **MSO**  | **Operator**  | **County** | **State** |
| 10588 | ARMSTRONG UTILITIES INC. | ARMSTRONG UTILITIES, INC. | Butler | PA |
| EUID99012 | Astrea Connect | CCI Systems, Inc. | Dickinson | MI |
| 4265 | BEE LINE, INC. | BEE LINE, INC. | Somerset | ME |
| 12273 | BREEZELINE | COGECO US (CT), LLC D/B/A BREEZELINE | Windham | CT |
| 11091 | CABLE CO-OP, INC. | CABLE CO-OP, INC. | LORAIN | OH |
| 12784 | CABLE ONE, INC. | CABLE ONE, INC. | Webster | LA |
| 4686 | CABLE ONE, INC. | CABLE ONE, INC. | Dyer | TN |
| 990166 | CABLEVISION SYSTEMS CORPORATION - HEADQUARTERS | CABLEVISION SYSTEMS CORP | Nassau | NY |
| 2805 | CASS CABLE TELEVISION | CASS CABLE TV, INC. | Cass | IL |
| 12013 | CEQUEL COMMUNICATIONS, LLC | SUDDENLINK COMMUNICATIONS | Pitt | NC |
| 7994 | CITY OF WYANDOTTE DEPT. OF MUNICIPAL SERVICE |   | Wayne | MI |
| 010355 | CLARITY TELECOM, LLC | BLUEPEAK | Nobles | MN |
| 52684 | COBRIDGE BROADBAND, LLC | CABLE ONE, INC. | Franklin | MO |
| 12255 | COMCAST CABLE COMMUNICATIONS, LLC. | COMCAST CABLE COMMUNICATIONS, LLC. | Harris | TX |
| 10163 | COMMUNITY ANTENNA SERVICE, INC. | COMMUNITY ANTENNA SERVICE, INC. | WOOD | WV |
| 12809 | COMPUTER 5\*, INC. D/B/A LOCALTEL COMMUNICATIONS | LOCALTEL COMMUNICATIONS | Chelan | WA |
| 407 | COX COMMUNICATIONS CALIFORNIA, LLC | COX COMMUNICATIONS INC | Santa Barbara | CA |

 **October 6, 2023 MVPD EEO AUDIT**

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| **Unit ID #** | **MSO**  | **Operator**  | **County** | **State** |
| 12299 | GRANDE COMMUNICATIONS NETWORKS, INC. | GRANDE COMMUNICATIONS NETWORKS, LLC | Travis | TX |
| 12267 | GRANDE COMMUNICATIONS NETWORKS, INC. | GRANDE COMMUNICATIONS NETWORKS, LLC | BROWN | TX |
| EUID00011 | KNOLOGY, INC | KNOLOGY, INC | Chambers | AL |
| 11428 | MEDIACOM COMMUNICATIONS CORPORATION | MEDIACOM COMMUNICATIONS CORPORATION | Des Moines | IA |
| 10125 | MUSCATINE POWER AND WATER | MUSCATINE POWER & WATER | Muscatine | IA |
| 12041 | NORTHLAND CABLE TELEVISION INC |  EAGLE BROADBAND INVESTMENTS LLC | Dickinson | KS |
| 508617 | NORTHWEST IOWA TELEPHONE | NORTHWEST IOWA TELEPHONE | WOODBURY | IA |
| 12760 | PENCOR SERVICES, INC. | BRC NEWBERRY | York | PA |
| 11838 | RCN TELECOM SERVICES, LLC | RCN TELECOM SERVICES, LLC | Mercer | NJ |
| 10805 |  RUNESTONE TELEPHONE ASSOCIATION |   | Grant | MN |
| 12280 |  SHENANDOAH CABLE TELEVISION, LLC | SHENANDOAH CABLE TELEVISION, LLC | Wyoming | WV |
| 1400 | SJOBERG'S INC. | SJOBERG'S INC | Pennington | MN |
| 13558 | TIME WARNER CABLE | CHARTER COMMUNICATIONS | Orange | CA |
| 13538 | TIME WARNER CABLE | CHARTER COMMUNICATIONS | Franklin | OH |
| 12907 | WIDEOPENWEST NETWORKS, LLC | WIDEOPENWEST MICHIGAN, LLC | Oakland | MI |
| 10692 | WIRE TELE-VIEW CORPORATION | WIRE TELE-VIEW | Schuylkill | PA |

1. 47 CFR §§ 73.2080(f)(4), 76.77(d). [↑](#footnote-ref-3)
2. The Enforcement Bureau sent an EEO audit letter to broadcasters earlier this year. *See Enforcement Bureau Commences 2023 EEO Audits,* Public Notice, DA 23-232, 2023 WL 3151992 (EB Apr. 24, 2023). [↑](#footnote-ref-4)
3. Because September 30, 2023 falls on a weekend, the deadline is moved to the next business day, Monday, October 2, 2023. *See* 47 CFR § 1.4. [↑](#footnote-ref-5)