

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

In re	)	
	)	
Morgan County Industries, Inc.	)	
Licensee of	)	
	)	
WLKS-FM, West Liberty, KY	)	Facility ID No. 43776
	)	Application File No. 0000113041
	)	
WRLV-FM, Salyersville, KY	)	Facility ID No. 37255
	)	Application File No. 0000113042
	)	
WCBJ(FM), Campton, KY	)	Facility ID No. 82447
	)	Application File No. 0000113039
	)	
WMOR-FM, Morehead, KY	)	Facility ID No. 73279
	)	Application File No. 0000113040

ORDER

Adopted: August 25, 2026

Released: August 26, 2026

By the Chief, Audio Division, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau) and Morgan County Industries, Inc. (Licensee), licensee of WLKS-FM, West Liberty, Kentucky, WRLV-FM, Salyersville, Kentucky, WCBJ(FM), Campton, Kentucky, and WMOR-FM, Morehead, Kentucky (collectively, Stations). The Consent Decree resolves an investigation arising from the Bureau's review of the captioned license renewal applications (Renewal Applications).¹ In particular, the Consent Decree resolves the Bureau's investigation into Licensee's compliance with: (1) section 73.3539(a) of the Commission's rules (Rules), which requires that applications for renewal of license for broadcast stations be filed "not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed,"² (2) section 73.1650 of the Rules, which requires the licensee of an FM station to notify the Commission of reduced power operations via the Commission's Licensing Management System (LMS) no later than the tenth day of such operations, and requires the licensee to request special temporary authority (STA) for the station's continued reduced power

¹ See Application File Nos. 0000113041 (WLKS-FM), 0000113042 (WRLV-FM), 0000113039 (WCBJ(FM)), 0000113040 (WMOR-FM) (filed May 1, 2020). We also have before us an Informal Objection filed by Randy Stacy which objects to the grant of the license renewal application of WMOR-FM. See Pleading File No. 0000255912 (filed Oct. 16, 2024). Because Licensee acknowledges the rule violations identified in the Informal Objection, we grant it in part. However, no rule violations identified in the Informal Objection warrant denying the license renewal application for WMOR-FM. Accordingly, we deny the Informal Objection to the extent it seeks denial of the WMOR-FM license renewal application. Finally, we have pending applications for assignment of the Stations' licenses from Licensee to Ridgeline Communications Incorporated (Assignee). See Application File Nos. 0000240764 (WLKS-FM), 0000240761 (WRLV-FM), 0000240762 (WCBJ(FM)), 0000240763 (WMOR-FM), (filed March 13, 2024) (Assignment Application). We will grant the Renewal Applications and Assignment Application by separate action.

² 47 CFR § 73.3539(a).

operations if full power operations are not restored within 30 days,³ (3) section 73.1740(a)(4) of the Rules, which requires the licensee of an FM station to notify the Commission of the station's discontinued operations via LMS no later than the tenth day of such discontinued operations, and requires the licensee to request STA for the station to remain silent if causes beyond the control of the licensee make it impossible for the station to resume operations within 30 days,⁴ (4) section 73.3526 of the Rules, which requires stations to maintain an online public inspection file (OPIF) and place specific documents into that file at required intervals,⁵ and (5) section 1.17(a)(2) of the Rules, which provides that no person may provide, in any written statement of fact, "material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading."⁶

2. The Bureau and Licensee have negotiated the terms of the attached Consent Decree.⁷ As part of the Consent Decree, Licensee agrees to undertake a three-year compliance plan to ensure that it operates the Stations in a manner that complies with the requirements related to operation of FM stations, and properly maintains the Stations' OPIFs.⁸ Additionally, this compliance plan will be binding on Assignee, ensuring that the Stations are brought into compliance under new ownership.

3. 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 consideration of potential violations of the Rules. A copy of the Consent Decree is attached hereto and incorporated by reference.

4. Based on the record before us, we conclude that nothing in that record creates a substantial and material question of fact as to whether Licensee possess the basic qualifications to be a Commission licensee. We also conclude that, during the preceding term of each Station's license, the Station served the public interest, convenience, and necessity; there were no serious violations by the licensee of the Communications Act of 1934, as amended (Act) or the Rules; and there were no other violations by the licensee of the Act or the Rules and which, taken together, would constitute a pattern of abuse.⁹

³ *Id.* § 73.1650.

⁴ *Id.* § 73.1740(a)(4).

⁵ *Id.* § 73.3526. Although Licensee did not timely upload many of its issue and programs lists, our review of the Stations' OPIF shows that Licensee has now uploaded lists for every quarter that the Stations were on the air.

⁶ *Id.* § 1.17(a)(2).

⁷ Consent Decree at para. 16.

⁸ We note that consent decrees often require payment of a civil penalty to the United States Treasury in addition to implementation of a compliance plan. The Consent Decree in this case does not include a civil penalty because Licensee has demonstrated that it lacks the ability to pay such a penalty.

⁹ See 47 U.S.C. § 309(k)(1). We note that, were the Stations' licenses not being assigned to Assignee, Licensee's violations of the Rules could warrant a short-term renewal. *SPB LLC*, Order on Reconsideration, DA 26-434 (MB May 1, 2026) (finding licensee's "conduct has fallen far short of the standard of compliance with the Act and the Rules that would warrant routine license renewal" and granting short-term renewal based on licensee's failure to prepare, file and timely upload any issues and programs lists to station's OPIF, agreement to implement a comprehensive compliance plan related to compliance with the OPIF Rule, and continued pattern of noncompliance with that rule). See also *Hubbard's Advertising Agency, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 8178 (MB 2019) (finding licensee's "conduct has fallen far short of the standard of compliance with the Act and the FCC's rules that would warrant a routine license renewal" and granting short-term renewal based on failure to upload quarterly issues and programs lists to OPIF for at least two full license terms); *Rama Commc'ns, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability, 31

(continued....)

5. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 4(i) of the Communications Act of 1934, as amended,¹⁰ and by the authority delegated by sections 0.61, 0.204, 0.283, and 1.93(b) of the Rules,¹¹ the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification.

6. **IT IS FURTHER ORDERED** that, the investigation by the Media Bureau of the matters noted above **IS TERMINATED**, and the Informal Objection filed by Randy Stacy on June 14, 2022, **IS GRANTED IN PART AND OTHERWISE DISMISSED**.

7. **IT IS FURTHER ORDERED** that, copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Licensee at Morgan County Industries, Inc., 129 College Street, West Liberty, KY 41472. Copies shall also be sent by email to Licensee and Licensee's representative, Aaron P. Shainis, Esq., Shainis & Peltzman, Chartered.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division, Media Bureau

FCC Rcd 6939 (MB 2016) (finding licensee's "conduct has fallen far short of the standard of compliance with the Act and the Rules that would warrant a routine license renewal" and granting short-term renewal based on failure to prepare quarterly issues and programs lists during license term). Accordingly, any grant of the Renewal Applications will be conditioned upon consummation of the proposed assignment to Assignee.

¹⁰ 47 U.S.C. § 154(i).

¹¹ 47 CFR §§ 0.61, 0.204, 0.283, 1.93(b).

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	)	Application File No. 0000113041
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WCBJ(FM), Campton, KY	)	Facility ID No. 82447
	)	Application File No. 0000113039
	)	
WMOR-FM, Morehead, KY	)	Facility ID No. 73279
	)	Application File No. 0000113040

CONSENT DECREE

1. The Media Bureau of the Federal Communications Commission and Morgan County Industries, Inc. (hereafter “Licensee,” as defined below), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Media Bureau’s investigation into whether (a) Licensee’s operation of WLKS-FM, West Liberty, Kentucky, WRLV-FM, Salyersville, Kentucky, WCBJ(FM), Campton, Kentucky, and WMOR-FM, Morehead, Kentucky (hereafter “Stations,” as defined below) violated section 301 of the Communications Act of 1934, as amended (hereafter “Act,” as defined below), and sections 1.17(a)(2), 73.1650, and 73.1740(a)(4) of the Commission’s rules (hereafter “Rules,” as defined below), (b) Licensee’s untimely filing of applications to renew the Stations’ licenses violated section 73.3539 of the Rules, and (c) Licensee’s maintenance of the online public inspection files for the Stations failed to comply with the requirements set forth in section 73.3526 of the Rules. To resolve this matter, Licensee agrees to implement a comprehensive Compliance Plan to ensure its future compliance with the Commission rules related to operation of FM radio stations, and online public inspection files.

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.¹
 - (b) “Adopting Order” means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) “Bureau” means the Media Bureau of the Federal Communications Commission.
 - (d) “Commission” and “FCC” mean 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 to which Licensee is subject by virtue of its holding licenses to operate the Stations.

¹ 47 U.S.C. § 151 et seq.

- (f) “Compliance Officer” means a responsible party employed by Licensee to be responsible for developing, implementing, and administering the Compliance Plan and ensuring that Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree.
- (g) Compliance Plan” means the compliance obligations, program, and procedures developed by Licensee in an effort to ensure compliance with the Rules related to operation of FM radio stations, and online public inspection files, as described in this Consent Decree at paragraphs 15 through 18.
- (h) “Covered Employees,” each of which is a “Covered Employee,” means all employees, volunteers, and agents of Licensee who are responsible for performing, supervising, overseeing or managing activities related to Licensee’s responsibilities under the Rules related to operation of FM radio stations, and/or the Online Public Inspection File Rule.
- (i) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (j) “Informal Objection” means the informal objection (LMS Pleading File No. 193339) filed by Randy Stacy on June 14, 2022.
- (k) “Investigation” means the investigation commenced by the Bureau regarding whether Licensee violated the Commission rules related to operation of FM radio stations and the Online Public Inspection File Rule.
- (l) “Licensee” means Morgan County Industries, Inc., and its assignees, transferees, affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (m) “Online Public Inspection File Rule” means 47 CFR § 73.3526.
- (n) “Operating Procedures” means the standard internal operation procedures and compliance policies established by Licensee to implement the Compliance Plan.
- (o) “Parties” means Licensee and the Bureau, each of which is a “Party.”
- (p) “Renewal Applications” means the pending applications for renewal of license for Stations WLKS-FM, West Liberty, Kentucky (File No. 0000113041), WRLV-FM, Salyersville, Kentucky (File No. 0000113042). WCBJ(FM), Campton, Kentucky (File No. 0000113039), and WMOR-FM, Morehead, Kentucky (File No. 0000113040).
- (q) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (r) “Stations” means WLKS-FM, West Liberty, Kentucky (Facility ID No. 43776), WRLV-FM, Salyersville, Kentucky (Facility ID No. 37255). WCBJ(FM), Campton, Kentucky (Facility ID No. 82447), and WMOR-FM, Morehead, Kentucky (Facility ID No. 73279).

II. BACKGROUND

3. Section 73.3539(a) of the Rules requires that applications for renewal of license for broadcast stations must be filed “not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed.”²

4. Section 73.1650(b) specifies that, if an FM station’s authorized output power is greater than 10 watts, the FM station’s power output may not be less than 90 percent of its authorized transmitter

² 47 CFR § 73.3539(a).

power output.³ Section 73.1650(d) allows an FM station to operate at reduced power for not more than 30 days without authority from the FCC.⁴ However, if the reduced power operations will exceed 10 consecutive days, that section requires the licensee to notify the Commission of the station's reduced power operations via the Commission's Licensing Management System no later than the tenth day of such operations. In addition, if full power operations are not restored within 30 days, section 73.1650(d) requires an FM station licensee to request special temporary authority for the station's continued reduced power operation.

5. Section 73.1740(a)(4) allows an FM station to discontinue operation for a period of not more than 30 days without authority from the FCC.⁵ However, if the station will be silent for more than 10 consecutive days, that section requires the licensee to notify the Commission of the station's discontinued operations via the Commission's Licensing Management System no later than the tenth day of discontinued operations. In addition, if causes beyond the control of the licensee make it impossible for the station to resume operations within 30 days, section 73.1740(a)(4) requires an FM station licensee to request special temporary authority for the station to remain silent.

6. Section 73.3526 requires radio station licensees to maintain an online public inspection file and to upload certain documents to the Commission's public inspection file database throughout the year.⁶ Among other things, a radio station licensee must upload quarterly issues/programs lists,⁷ and must upload every agreement or contract involving time brokerage of the licensee's station or of another station by the licensee.⁸ It is crucial that stations maintain online public inspection files that are complete and up to date because the information in them directly affects, among other things, the public's ability to be informed about a station's compliance with its obligations.

7. Section 1.17(a)(2) of the Rules provides that no person may provide, in any written statement of fact, "material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading."⁹

8. Licensee owns and operates FM radio stations licensed by the Commission. Although the Renewal Applications were due on April 1, 2020, Licensee did not file them until May 1, 2020. Subsequently, we received an informal communication alleging that the Stations had been off the air since April 1, 2021. We also received an Informal Objection to the renewal application for WMOR-FM, which alleged that WMOR-FM had ceased operations on March 29, 2021, and that, except for a period of less than 24 hours in January 2022, WMOR-FM had not been broadcasting.¹⁰ The Informal Objection also noted that issues/program lists were missing from the WMOR-FM online public inspection file, and asserted that a certification made in the WMOR-FM renewal application was false. The Bureau commenced the Investigation, which resulted in Licensee admitting that (a) Licensee failed to obtain special temporary authority for the Stations to be off the air for more than 30 days in 2021, (b) licensee

³ *Id.* § 73.1650(b).

⁴ *Id.* § 73.1650(d).

⁵ *Id.* 73.1740(a)(4).

⁶ *Id.* § 73.3526.

⁷ *Id.* § 73.3526(e)(12). The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter. *Id.*

⁸ *Id.* § 73.3526(e)(14). These agreements shall be uploaded within 30 days of execution and retained in a station's online public inspection file as long as the contract or agreement is in force. *Id.*

⁹ *Id.* § 1.17(a)(2).

¹⁰ Pleading File No. 113040

failed to obtain special temporary authority for WLKS-FM to operate at reduced power for more than 30 days, (c) issues/programs lists were untimely uploaded or missing from the Stations' online public inspection files, (d) a local programming and marketing agreement related to WLKS-FM, WRLV-FM, and WCBJ(FM) was missing from those stations online public inspection files, and (e) the Online Public File and Minimum Operating Schedule certifications made in the Renewal Applications were incorrect. Licensee has since uploaded the majority of the missing issues/programs lists to the Stations' OPIFs, and also has uploaded its local programming and marketing agreement with Hindman Broadcasting Corporation to the OPIFs for WLKS-FM, WRLV-FM, and WCBJ(FM). In addition, Licensee has amended the Renewal Applications to correct the Online Public File and Minimum Operating Schedule certifications.

9. In light of the compliance issues acknowledged by Licensee and uncovered during the Investigation, the Bureau and Licensee have negotiated the terms of the Consent Decree that terminates the Investigation into the matters discussed above. As part of the Consent Decree, Licensee agrees to implement and maintain a Compliance Plan designed to ensure its future compliance with the Act and the Rules, and proper maintenance of the Stations' online public inspection files.

III. TERMS OF AGREEMENT

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

11. **Jurisdiction.** Licensee 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.

12. **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.

13. **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 consideration for the termination of the Investigation, Licensee agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against Licensee concerning the matters that were the subject of the Investigation, or to set for hearing the question of Licensee's basic qualifications to be a Commission licensee or hold Commission licenses or authorizations based on the matters that were the subject of the Investigation.¹¹

14. **Admission of Facts.** Licensee admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 13 herein, that paragraph 8 is a true and accurate description of the facts underlying the Investigation.

15. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, Licensee shall designate a responsible party employed (on a full, part-time or contract basis) to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer will administer the Compliance Plan, supervise Licensee's compliance with the Act and the Rules, and serve as the point of contact on behalf of Licensee for all FCC-related compliance matters. The Compliance Officer must be provided all necessary corporate and organizational authority to ensure they are able to discharge their duties. The Compliance Officer shall report directly to Licensee's President (or equivalent senior officer/owner) on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of

¹¹ See 47 CFR § 1.93(b).

the rules governing operation of FM radio stations and the Online Public Inspection File Rule prior to assuming his/her duties. If the Compliance Officer is not a communications attorney, Licensee shall consult with outside FCC regulatory counsel regarding its overall compliance with the Communications Laws. Such consultations shall occur on a quarterly basis, or more frequently to ensure compliance with the terms and conditions of this Consent Decree. The name and contact information (mailing address, phone number and email address) of the Compliance Officer must be submitted to the Bureau within thirty (30) days after the Effective Date by email to staff of the Bureau's Audio Division at heather.dixon@fcc.gov. The Bureau must be notified in the manner discussed above of any change in the person serving as Compliance Officer within five (5) business days.

16. **Compliance Plan.** For purposes of settling the matters set forth herein, Licensee agrees that it shall, within sixty (60) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Communications Laws (particularly those governing operation of FM radio stations and the Online Public Inspection File Rule), and with the terms and conditions of this Consent Decree. The Compliance Plan shall apply to all radio stations licensed to Licensee. With respect to the rules governing operation of FM radio stations and the Online Public Inspection File Rule, the Compliance Plan shall contain, at a minimum, the following elements:

- (a) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees and others who perform duties for the Licensee that trigger or may trigger compliance-related responsibilities. Licensee may adopt a Compliance Manual that it has prepared or one that has been prepared by an outside source, such as a trade association, another licensee, or a law firm. Licensee 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. The Compliance Manual shall:
 - (i) thoroughly explain the rules governing operation of FM radio stations, and the Online Public Inspection File Rule,
 - (ii) establish Operating Procedures that Covered Employees must follow to help ensure Licensee's compliance with the rules governing operation of FM radio stations, and the Online Public Inspection File Rule. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that (a) renewal applications are timely filed, (b) notifications of reduced power and/or discontinued operations are timely submitted to the FCC via the Licensing Management System, (c) special temporary authority is requested where reduced power operations or discontinued operations will last for more than 30 consecutive days, (d) Licensee's stations upload all required information to their online public inspection files in a timely manner and otherwise maintain full, complete, and up to date information therein, and (e) Covered Employees promptly report to the Compliance Officer failures to comply with the rules governing operation of FM radio stations or the Online Public Inspection File Rule.
 - (iii) be reviewed and revised by the Compliance Officer, or Licensee's legal counsel (internal or external) in coordination with the Compliance Officer as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Compliance Officer shall distribute any revisions to the Compliance Manual within five (5) business days of any updates to all Covered Employees.
- (b) **Compliance Training Program.** Licensee shall conduct formal training on the requirements related to operation of FM radio stations, and the Online Public Inspection File Rule to all Covered Employees and others who perform duties related

to station operation and compliance with Commission rules. Such training will be provided to all Covered Employees no later than sixty (60) calendar days after the Effective Date of this Consent Decree, and on an annual basis thereafter while this Compliance Plan remains in effect. Training must be provided to every new Covered Employee within ten (10) business days after commencing employment or becoming a Covered Employee. The compliance training program shall include, but not be limited to, instruction relating to the rules governing operation of FM radio stations and the Online Public Inspection File Rule, and responsibilities of any Covered Employee under the terms of this Consent Decree. The training must be periodically reviewed and revised by the Compliance Officer, or Licensee's legal counsel (internal or external) in coordination with the Compliance Officer to ensure that it remains current, complete and effective.

17. **Reporting Noncompliance.** Licensee shall report any instance of noncompliance with the requirements related to operation of FM radio stations, and the Online Public Inspection File Rule, or with the terms and conditions of this Consent Decree within ten (10) business days after discovery of such noncompliance. Such reports shall include a detailed explanation of the following: (i) each instance of noncompliance; (ii) the steps that Licensee has taken or will take to remedy such noncompliance, (iii) the schedule on which such remedial actions has or will be taken; and (iv) the steps that Licensee has taken or will take to prevent the recurrence of any such noncompliance. The report must be signed by the Compliance Officer and subscribed as true under penalty of perjury, in accordance with 47 CFR § 1.16. All reports of noncompliance shall be submitted electronically to staff of the Bureau's Audio Division: heather.dixon@fcc.gov.

18. **Compliance Reports.** Licensee shall file compliance reports with the Commission ninety (90) calendar days after the Effective Date, twelve (12) months after the Effective Date, twenty-four (24) months after the Effective Date, and thirty-six (36) months after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of Licensee's efforts during the relevant period to comply with the terms and conditions of this Consent Decree, and the requirements related to operation of FM radio stations, and the Online Public Inspection File Rule. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Licensee, stating that the Compliance Officer has personal knowledge that Licensee: (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 the terms and conditions of this Consent Decree including the reporting obligations set forth in in paragraph 17 of this Consent Decree, the rules governing operation of FM radio stations, and the Online Public Inspection File Rule.
- (b) 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, and be subscribed to as true under penalty of perjury in substantially the form set forth therein.¹²
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Licensee, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that Licensee has taken or will take to remedy such noncompliance; and (iii) the steps that Licensee has taken or will take to prevent the

¹² 47 CFR § 1.16.

recurrence of any such noncompliance, including the schedule on which such preventative action will be taken.

- (d) All Compliance Reports shall be submitted electronically to staff of the Bureau's Audio Division: heather.dixon@fcc.gov.

19. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 15 through 18 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

20. **Waivers.** As of the Effective Date, Licensee 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. Licensee shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. 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, neither Licensee nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Licensee shall waive any statutory right to a trial *de novo*. Licensee hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act¹³ relating to the matters addressed in this Consent Decree.

21. **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.

22. **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.

23. **Subsequent Rule or Order.** The Parties agree that if any provision of the 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) that provision will be superseded by such Rule or Order.

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

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

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

27. **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.

28. **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.

¹³ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

29. **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.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: 
Albert Shuldiner
Chief, Audio Division

Date: 8/25/2026

MORGAN COUNTY INDUSTRIES, INC.

By: _____
Clifford C. Smith, II
Administrator

Date: _____

29. **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.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: _____
Albert Shuldiner
Chief, Audio Division

Date: _____

MORGAN COUNTY INDUSTRIES, INC.

By: Clifford C. Smith II
Clifford C. Smith, II
Administrator

Date: 8/21/2026