

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

In the Matter of Online Political Files of	)	File No.: POL-070621-5072467
	)	
KOFI, Inc.	)	FRN: 5072467
	)	
Licensee of Commercial Radio Station(s)	)	

**ORDER**

**Adopted: July 16, 2021**

**Released: July 16, 2021**

By the Chief, Media Bureau:

1. 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>

2. 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

<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).

<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).

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>

3. KOFI, Inc. is the licensee of one or more commercial radio stations for which it has filed license renewal applications. The Audio Division of the FCC's Media Bureau suspended processing of those applications because of KOFI, Inc.'s failure to affirmatively certify compliance with its public file obligations in Section 73.3526 of the Commission's rules.<sup>11</sup> The Audio Division staff determined that the public file deficiencies were attributable to a failure by KOFI, Inc. to comply with political file requirements.

4. The Media Bureau and KOFI, Inc. have elected to resolve the matter of KOFI, Inc.'s public file derelictions through the attached Consent Decree. Pursuant to the Consent Decree, KOFI, Inc. agrees, among other things, to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Media Bureau.

5. 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.

6. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission's rules,<sup>12</sup> the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

7. **IT IS FURTHER ORDERED** that pursuant to 47 CFR § 73.3526(e)(10), a copy of the attached Consent Decree **SHALL BE RETAINED** in the online public inspection file of each station listed in Appendix A of the Consent Decree until grant of its next license renewal application.

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 KOFI, Inc. at [daver@monster1039.com](mailto:daver@monster1039.com).

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey  
Chief, Media Bureau

---

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

<sup>11</sup> See Section III, Question 3, of each application.

<sup>12</sup> 47 CFR §§ 0.61(e), 0.283.