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December 7, 2022

VIA E-MAIL

Robert Baker, Assistant Chief, Policy Division, Media Bureau
Gary Schonman, Special Counsel, Policy Division, Media Bureau
Sima Nilsson, Attorney-Advisor, Policy Division, Media Bureau
Federal Communications Commission
45 L Street, NE
Washington, DC 20554
Robert.Baker@fcc.gov
Gary.Schonman@fcc.gov
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**Re: *In the Matter of Online Political Files of Momentum Broadcasting LP*
File No. POL-021422-20907598 / FRN 0020907598
Compliance Report & Noncompliance Notice**

Dear Mr. Baker, Mr. Schonman, and Ms. Nilsson:

Momentum Broadcasting LP (“Momentum”), the licensee of KJUG-FM, Tulare, California (Facility ID No. 71714) (“KJUG-FM”), and KIOO(FM), Porterville, California (Facility ID No. 7708) (“KIOO”) (collectively, the “Stations”), by its undersigned counsel, files this Compliance Report and Noncompliance Notice pursuant to the terms of the Consent Decree (DA 22-354) (“Consent Decree”) adopted and released on April 1, 2022 in the above-referenced proceeding. The Consent Decree was effective on March 14, 2022 (“Effective Date”). Capitalized terms not otherwise defined herein are intended to have the same meaning as they have been given in the Consent Decree.

COMPLIANCE REPORT

Momentum’s efforts to comply with the terms and conditions of the Consent Decree for the reporting period covered by this Compliance Report, August 8, 2022 to November 8, 2022 (i.e., the 3-month period preceding the general election on November 8, 2022) (“Reporting Period”), are set forth below:

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Dallas Denver Houston
Los Angeles New York Orlando Philadelphia San Francisco Seattle Washington, DC Wilmington

1. Compliance Officer. Within thirty (30) calendar days after the Effective Date of the Consent Decree (i.e., by April 13, 2022), Momentum was required to designate an employee or consultant to: (a) serve as Compliance Officer; and (b) discharge the duties set forth in the Consent Decree.¹

On or before April 13, 2022, Momentum appointed Bill Lynch, Momentum's General Manager, as its Compliance Officer. Since his appointment as Compliance Officer, Mr. Lynch has remained Momentum's Compliance Officer, and his duties remain unchanged with respect to the Consent Decree.

2. Compliance Plan and Compliance Manual. Within thirty (30) calendar days of the Effective Date of the Consent Decree (i.e., by April 13, 2022) Momentum was required to develop and implement a Compliance Plan designed to ensure compliance with the Political Record-keeping Statute and Rule, and with the terms and conditions of the Consent Decree.² The Consent Decree required that Momentum's Compliance Plan include a Compliance Manual that was distributed to all Covered Employees.³

The Consent Decree Required that Momentum's Compliance Manual: (a) thoroughly explain the requirements embodied in the Political Record-keeping Statute and Rule; and (b) contain Operating Procedures that Covered Employees must follow to help ensure the Company's compliance with the Political Record-keeping Statute and Rule.⁴ Furthermore, the Consent Decree required that Momentum's Operating Procedures include: (a) internal procedures and policies specifically designed to ensure that the Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein; and (b) a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Political Record-keeping Statute and Rule.⁵ Finally, the Consent Decree required that Momentum's Compliance Manual be periodically reviewed and revised as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective.⁶

On April 1, 2022, Momentum, in consultation with undersigned counsel, adopted a Compliance Plan which was designed to ensure Momentum's compliance with the Political Record-keeping Statute and Rule, and with the terms and conditions of the Consent Decree. At

¹ *Consent Decree* ¶ 14.

² *Id.* ¶ 15.

³ *Id.* ¶ 15(a).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

that same time, Momentum's Compliance Plan was incorporated into a Compliance Manual which was prepared by undersigned counsel. Momentum's Compliance Manual: (a) thoroughly explains the requirements embodied in the Political Record-keeping Statute and Rule; and (b) contains Momentum's Operating Procedures that its Covered Employees must follow to help ensure Momentum's compliance with the Political Record-keeping Statute and Rule. Furthermore, as provided in Momentum's Compliance Manual, the Operating Procedures include: (a) internal procedures and policies specifically designed to ensure that the Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein; and (b) a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Political Record-keeping Statute and Rule. Finally, Momentum has adopted a policy that it will periodically review its Compliance Manual as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective.

Since the adoption of the Compliance Plan and creation of the Compliance Manual, Momentum has continued to maintain and adhere to all of the policies discussed above with respect to its Compliance Plan, Compliance Manual, and Operating Procedures.

3. Compliance Training Program. Within thirty (30) calendar days of the Effective Date of the Consent Decree (i.e., by April 13, 2022), Momentum was required to include a Compliance Training Program with its Compliance Plan.⁷ The Consent Decree required that as part of the Compliance Training Program, Momentum's Covered Employees must be: (a) advised of Momentum's obligation to report any noncompliance with the Political Record-keeping Statute and Rule; and (b) instructed on how to disclose noncompliance to Momentum's Compliance Officer.⁸

Furthermore, the Consent Decree required that: (a) Momentum's Covered Employees receive initial training under the Compliance Training Program within thirty (30) calendar days of the Effective Date of the Consent Decree (i.e., by April 13, 2022); (b) individuals becoming Covered Employees subsequent to the initial training session received training under the Compliance Training Program within thirty (30) calendar days of becoming a Covered Employee; (c) Momentum provide annual training under the Compliance Training Program to its Covered Employees; and (d) Momentum periodically review and revise the Compliance Training Program as necessary to ensure that it remains current, complete, and effective.⁹

Momentum adopted and conducted a Compliance Training Program for its Covered Employees and initial training was conducted with outside counsel on March 29, 2022 by which

⁷ *Consent Decree* ¶ 15(b).

⁸ *Id.*

⁹ *Id.*

Covered Employees were: (a) advised of Momentum’s obligation to report any noncompliance with the Political Record-keeping Statute and Rule; and (b) instructed on how to disclose noncompliance to Momentum’s Compliance Officer. Furthermore, Momentum has adopted and implemented the following policies with respect to the Compliance Training Program: (a) any person who becomes a Covered Employee at any time after the initial Compliance Training Program is conducted must be trained within thirty (30) calendar days after the date such person becomes a Covered Employee; (b) Momentum must repeat compliance training for all Covered Employees on an annual basis; and (c) Momentum will periodically review and revise the Compliance Training Program as necessary to ensure that it remains current, complete, and effective.

Since the adoption of the Compliance Training Program and the completion of the first compliance training session by Covered Employees, Momentum has continued to maintain and adhere to all of the policies discussed above with respect to its Compliance Training Program. No additional persons have become Covered Employees since the initial training was conducted.

4. Reporting Noncompliance. The Consent Decree requires that Momentum must, within ten (10) calendar days after discovery, report any noncompliance with: (a) the Political Record-keeping Statute and Rule; and/or (b) the terms and conditions of the Consent Decree.¹⁰ Furthermore, the Consent Decree requires that such noncompliance reports include a detailed explanation of: (a) each instance of noncompliance; (b) the steps that Momentum has taken or will take to address such noncompliance – including a schedule on which such actions will be taken; and (c) the steps that Momentum has taken or will take to prevent the recurrence of any such noncompliance – including the schedule on which such preventative action will be taken.¹¹ Finally, the Consent Decree required that any reports of noncompliance prepared by Momentum must be sent to the Political Programming staff within ten (10) calendar days of discovery of such noncompliance: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Policy Division Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.¹²

Momentum understands that it must, within ten (10) calendar days after discovery, report any noncompliance with: (a) the Political Record-keeping Statute and Rule; and/or (b) the terms and conditions of the Consent Decree. Momentum has therefore implemented a policy that such reports include a detailed explanation of: (a) each instance of noncompliance; (b) the steps that Momentum has taken or will take to address such noncompliance – including a schedule on

¹⁰ *Consent Decree* ¶ 16.

¹¹ *Id.*

¹² *Id.*

which such actions will be taken; and (c) the steps that Momentum has taken or will take to prevent the recurrence of any such noncompliance – including the schedule on which such preventative action will be taken. Furthermore, Momentum has implemented a policy that any reports of noncompliance must be sent to the Political Programming staff within ten (10) calendar days of discovery of such noncompliance: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at Robert.Baker@fcc.gov; Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at Gary.Schonman@fcc.gov; and Sima Nilsson, Attorney-Advisor, Policy Division Media Bureau, Federal Communications Commission, at Sima.Nilsson@fcc.gov.

Except as set forth in the Noncompliance Notice below, during the Reporting Period, Momentum maintained and adhered to all of the policies discussed above with respect to reporting noncompliance with the Political Record-keeping Statute and Rule and the terms and conditions of the Consent Decree.

5. Summary of Compliance Efforts. Except as set forth in the Noncompliance Notice below, during the Reporting Period, the Stations complied with the Political Record-keeping Statute and Rule and the terms and conditions of the Consent Decree throughout the Reporting Period.¹³ As required by the Consent Decree, a Summary of the Stations' Compliance Efforts is being provided in the Excel spreadsheet submitted with this Compliance Report.¹⁴

The foregoing statements also serve as the explanation and basis for the Compliance Officer and the Chief Operating Officer's Certifications enclosed with this Compliance Report.

NONCOMPLIANCE NOTICE

In its preparation of the Compliance Report, Momentum discovered the following instances of noncompliance with the Political Record-keeping Statute and Rule and the terms and conditions of the Consent Decree:

¹³ Although it does not believe the following constitutes noncompliance, Momentum notes that during the Reporting Period, for certain issue advertisements, including the Congressional Leadership Fund, an NAB form was uploaded to each Station's online political file only with the first order from a specific advertiser, and for subsequent orders where information had not changed, only the invoice and order-specific information was uploaded.

¹⁴ *Consent Decree* ¶ 15(c).

1. **Late-Filed Reports.** During the Reporting Period, it appears that each Station failed to file a political report within one (1) business day of airing the political advertisement:

<u>Station</u>	<u>Category</u>	<u>Contract No.</u>	<u>Request Date</u>	<u>Upload Date</u>
KIOO	Local	18672	Oct. 2, 2022	Oct. 4, 2022
KJUG-FM	Issue	18337-1	Oct. 2, 2022	Oct. 4, 2022

Upon discovery, the late filing of these reports was noted in Momentum's Compliance Report. Following discovery of these late-filed reports, Momentum's Compliance Officer consulted with undersigned legal counsel regarding the appropriate time frame in which to file reports in the Stations' online political file reports following the request date for that particular political advertisement. Momentum's Compliance Officer has also implemented additional procedures to ensure that political file reports are timely filed in the Stations' online political files.

2. **Inadvertent Uploading of Incorrect Documents.** During the Reporting Period, it appears that on one occasion, Momentum inadvertently mislabeled two PDF files in a manner that caused a contract applicable to KIOO to be uploaded to KJUG-FM's political file, while the file intended to be uploaded to KJUG-FM's file was uploaded to KIOO's political file. Specifically, on September 23, 2022, a file labeled "Valadao Gen 2022 wo 10-18 Pt2" and uploaded to the KIOO file was in fact documentation of an order for a contract for time on KJUG-FM purchased by Scott Harness for Supervisor; at the same time, a file labeled "KJUG Harness General Supervisor 2022 Pt2" and uploaded to the KJUG-FM file was in fact the documentation intended to be uploaded to the KIOO file related to the Valadao order. Upon discovery of this inadvertent error during preparation of this response, Momentum's Compliance Officer uploaded each political file report to the correct Station's online political file. Momentum's Compliance Officer has also implemented additional procedures to ensure that its political file reports are clearly labeled and uploaded to the correct Station's online political file.

Should you have any questions concerning this Compliance Report and Noncompliance Notice, please contact the undersigned counsel for Momentum.

Respectfully submitted,



Daniel A. Kirkpatrick
Keenan P. Adamchak

Counsel for Momentum Broadcasting LP

Enclosures

COMPLIANCE OFFICER CERTIFICATION

I, Bill Lynch, have been appointed the Compliance Officer of Momentum Broadcasting LP (“Licensee”) with respect to Licensee’s compliance with: (1) the Political File Record-keeping Statute and Rule (47 U.S.C. § 313(e)(3), and 47 C.F.R. § 73.1943(c)); and (2) the Consent Decree, by and between Licensee and the Media Bureau of the Federal Communications Commission, adopted and released April 1, 2022 (DA 22-354, File No. POL-021422-20907598) (“Consent Decree”). Accordingly, I have the requisite authority to execute this certification as an agent of and on behalf of Licensee.

I have personal knowledge of the statements set forth in Licensee’s Compliance Report, agree that those statements are true and correct, and adopt those statements as my own and as the basis for this certification.

I have personal knowledge that Licensee: (1) has established and implemented the Compliance Plan; (2) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (3) except as set forth in Licensee’s Compliance Report and Noncompliance Notice, am not aware of any instances of noncompliance with the terms and conditions of the Consent Decree.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 7, 2022.

By:



Name: Bill Lynch

Title: General Manager

Momentum Broadcasting LP

CHIEF OPERATING OFFICER CERTIFICATION

I, Donald Groppetti, am the President of GAF Holdings, Inc., the sole General Partner of Momentum Broadcasting LP (“Licensee”). I make this certification with respect to Licensee’s Compliance Report, which is being filed pursuant to the Consent Decree, by and between Licensee and the Media Bureau of the Federal Communications Commission, adopted and released April 1, 2022 (DA 22-354, File No. POL-021422-20907598).

I hereby certify that I reviewed Licensee’s Compliance Report and, based upon my knowledge, the Compliance Report: (1) does not contain any untrue statement of a material fact; (2) does not omit to state a material fact necessary to make the statements made therein; and (3) is not misleading with respect to the period covered by the Compliance Report.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 7, 2022.

By: Donald Groppetti
Name: Donald Groppetti
Title: President of GAF Holdings, Inc., the sole General Partner of
Momentum Broadcasting LP

Facility ID No.	Community of License	FEDERAL CANDIDATE Request Date	FEDERAL CANDIDATE Upload Date	FEDERAL CANDIDATE No. of Days Late	STATE CANDIDATE Request Date	STATE CANDIDATE Upload Date	STATE CANDIDATE No. of Days Late	LOCAL CANDIDATE Request Date	LOCAL CANDIDATE Upload Date	LOCAL CANDIDATE No. of Days Late	ISSUE AD Request Date	ISSUE AD Upload Date	ISSUE AD No. of Days Late		Station Total Files Uploaded	Station Total Files Uploaded Late	Station % of Files Uploaded Late	Station Total Days Uploaded Late		MARKET Total Files Uploaded	MARKET Total Files Uploaded Late	MARKET % of Files Uploaded Late	MARKET Total Days Uploaded Late	
71714	Tulare, CA										11/9/2022	11/9/2022	0											
71714	Tulare, CA							11/9/2022	11/9/2022	0														
71714	Tulare, CA							11/9/2022	11/9/2022	0					19	1	0	1		55	2	0	2	