



FM Radio Licenses, LLC
One Forever Drive
Hollidaysburg, PA 16648
814-941-9800

March 28, 2022

Re: Response to FCC Equal Employment Opportunity Audit

FM Radio Licenses, LLC, ("Licensee")

Employment Unit Stations:

WGYT (FM), Meadville, PA Facility ID 24940
WRQI (FM), Saegertown, PA Facility ID 12918
WXMJ (FM), Cambridge Springs, PA Facility ID 76254
WMGW, Meadville, PA Facility ID 24942
WTIV, Titusville, PA Facility ID 74089
WGYI (FM), Oil City, PA Facility ID 21421
WRQW (FM), Cooperstown, PA Facility ID 88380
WHMJ (FM), Franklin, PA Facility ID 49789
WFRA, Franklin, PA Facility ID 49777
WUZZ, New Castle, PA Facility ID 24997
WKST, New Castle, PA Facility ID 71246
WYLE (FM), Grove City, PA Facility ID 74469

The following information will respond to the FCC's Public Notice of the EEO audit of March 21, 2022, of which a copy follows this response letter, requesting information regarding the employment information and EEO recruitment program of Radio Station WRQW (FM), Cooperstown, PA and the above-referenced stations which constitute the collective stations in the Employment Unit. The following information, data and documents will respond to the Commission's letter in order of request from the Commission's letter:

Paragraph 2.(a): Does not apply.

Paragraph 2(b)(i)(ii)(iii)(iv)(v): Attached as Exhibit A and Exhibit B, the two most recent Annual EEO reports and supporting back up information has been uploaded in two separate files along with this file as requested by these paragraphs of the Commission's letter. These EEO reports answer the Commission's questions from its March 21, 2022 letter. The website for all stations listed above is www.forevernorthwestpa.com and it contains the Annual EEO Report. The Employment Unit currently has 20 full time employees. The market size is less

than 250,000 people. Therefore, the Employment Unit requirements are to perform two (2) recruitment initiatives over a two-year period. The Licensee has performed at least 70 separate initiatives for the two-year period. Back up materials for each Annual EEO Report may be culled in size to keep the file size manageable.

Paragraph 2(b)(vi): There are no complaints.

Paragraph 2(b)(vii): The President of Forever Media, Inc. and Licensee, Lynn A. Deppen has ultimate responsibility for the Employment Unit's EEO Program. The Employment Unit's Market Manager, James Shields, in direct coordination with and the assistance and oversight of the Employment Unit's Corporate Human Resources Director, Diane Fetty, are responsible for the Employment Unit's EEO policies, its EEO program and the enforcement of those policies and programs. The Market Manager is responsible for overseeing that reports are filed and documentation completed and is directly responsible for the implementation of the Employment Unit's EEO program. This includes the coordination and contact of recruitment sources, notification of vacancies, collection, and maintenance of all documents regarding vacancies, announcements and interviewees, analysis of the recruitment process and recruitment courses, the coordination of supplemental recruitment activities and the preparation of the Annual EEO Reports. The Employment Unit has informed employees and job applicants of its EEO policies and program through (1) job postings and ads which bear the statement "Forever Media, Inc." is an Equal Opportunity Employer" and (2) by the posting of posters in the employee's break room regarding equal pay, EEO and other federal and state labor laws, and which are supplied by the state's Department of Labor and the EEOC. Job opening posting documents are shown in Exhibits A and B.

Paragraph 2(viii): The Employment Unit's EEO Recruitment Program is reviewed at least quarterly and more frequently when a job opening occurs. The Market Manager of the Employment Unit reviews and updates the list of recruitment sources that will be notified of pending or future job vacancies. If deemed necessary, new sources will be added to replace ineffective sources. A list of current recruitment sources is attached in Exhibits A and B and is included in each EEO Report when and where applicable.

Paragraph 2(ix): The Employment Unit does not have a union or any collective bargaining agreements. The Licensee's management analyzes wages and benefits for appropriate wage increases, promotions, etc. at its yearly budget meetings. The appropriate wage increases take effect at varying times associated with the budgeting process. To date, all vacancies are simultaneously opened to applicants inside the company and to outside applicants. The best candidate is hired. All raises and promotions are based on merit. Since the company is relatively small, any "analysis" of the "measures taken to examine" pay, benefits, etc. are relatively informal.

Paragraph 2(x): The Licensee is not a religious broadcaster.

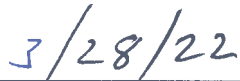
Paragraph 2(c): Our company handbook has not been supplied for this audit.

Paragraphs 3. and 4. do not apply.

I, Lynn A. Deppen, President of Forever Media, Inc. and Licensee FM Radio Licenses, LLC, do hereby swear under penalty of perjury that the forgoing is true and accurate to the best of my knowledge. I can be reached at LDeppen@aol.com and/or 412-951-1525.



Lynn A. Deppen



Date



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA: 22-275

Released: March 21, 2022

ENFORCEMENT BUREAU COMMENCES 2022 EEO AUDITS

On March 21, 2022, the Enforcement Bureau sent the first of its Equal Employment Opportunity (EEO) audit letters for 2022 to randomly selected radio and television stations. In accordance with section 73.2080(f)(4) of the Commission's EEO rules,¹ the Enforcement Bureau annually audits the EEO programs of randomly selected broadcast licensees. Each year, approximately five percent of all radio and television stations are selected for EEO audits.

A list of the radio and television stations included in this audit as well as the text of the March 21, 2022 audit letter appears on the following pages, which are also located at the Enforcement Bureau's EEO headline page on the FCC website at: <http://www.fcc.gov/encyclopedia/equal-employment-opportunity-headlines>. The deadline for stations to upload responses to their FCC-hosted online public inspection files is May 5, 2022

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

¹ 47 CFR § 73.2080(f)(4)



Federal Communications Commission
Washington, D.C. 20554

March 21, 2022

Dear Licensee:

1. In accordance with 47 CFR § 73.2080(f)(4), [Station call sign] (the Station) and all other stations, if any, in the same station employment unit (defined by 73.2080(e)(2) as commonly owned stations in the same market that share employees) (the Unit) has been randomly selected for an audit of its Equal Employment Opportunity (EEO) program. A copy of section 73.2080 of the Federal Communications Commission (FCC or Commission) rules can be found here: <https://www.fcc.gov/enforcement/eb-eo/equal-employment-opportunity-rules>

2. Audit Data Requested.

(a) If the Unit has fewer than five full-time employees (defined by section 73.2080(e)(1) as employees regularly assigned to work 30 hours a week or more), submit a response listing 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. Please also see Questions 3 and 4 below for guidance regarding brokers and brokered stations.

(b) If the Unit employs five or more full-time employees, provide the following information:

(i) Copies of the Unit's two most recent EEO Public File Reports, described in section 73.2080(c)(6).

(ii) For each station in the Unit that maintains a website, the website address. If the Unit's most recent EEO Public File Report is not posted on each website as required by section 73.2080(c)(6), identify that website and 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 most recent EEO Public File Report is linked pursuant to section 73.2080(c)(6).

(iii) For each of the Unit's full-time positions filled during the period covered by the EEO Public File Reports noted above, or since acquisition of the Unit (if during that period), the date of hire as required by section 73.2080(c)(5)(vi) as well as dated copies of all advertisements, bulletins, letters, faxes, e-mails or other communications announcing the position, as described in section 73.2080(c)(5)(iii). However, to reduce the burden of responding to this audit, if a job notice was sent to multiple sources, the Unit may include in its response: (1) documentation showing one such notice was sent, (2) a list of the additional sources to which the notice was distributed, and (3) a statement confirming notices to all additional sources used to announce the vacancy were retained,

as required by section 73.2080(c)(5)(iii).² Include, however, copies of all job announcements sent to any organization (identified separately from other recruitment sources) that has notified the Unit that it wants to be notified of the Unit's job openings, as described in section 73.2080(c)(1)(ii).

(iv) As required by section 73.2080(c)(5)(v), the total number of interviewees for each vacancy and the referral source for each interviewee for all the Unit's full-time vacancies filled during the period covered by the above-noted EEO Public File Reports.

(v) Dated documentation of the Unit's recruitment initiatives described in section 73.2080(c)(2) during the period covered by the above-noted EEO Public File Reports, such as participation in job fairs, events with educational institutions, and mentoring or training programs for staff. Specify the Unit personnel involved in each recruitment initiative. In addition, provide the Unit's total number of full-time employees and state whether the population of the market in which any of the Unit's stations operates is 250,000 or more. Based upon these two factors and as required by sections 73.2080(c)(2) and (e)(3) of the Commission's rules, state whether the Unit is required to perform two or four points worth of initiative activities within a two-year period (measured from the date the stations in the Unit file their renewal applications and the second, fourth, sixth and eighth anniversaries of that date). 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., two or four 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 Unit's current license term(s) 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, or sex. For each such complaint, provide: (1) a brief description of the allegations and issues involved; (2) the names 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 by which it was resolved; (5) the file or case number; and (6) the disposition and date thereof or current status. Note that the Unit must report all complaints, regardless of their status or disposition.

(vii) In accordance with section 73.2080(b), during the Unit's current license term(s) (or since acquisition of the Unit (if during that period)), a description of the responsibilities of each level of Unit management responsible for implementing Unit EEO policies and how the Unit has informed employees and job applicants of its EEO policies and program.

² For on-air announcements that aired multiple times to advertise the position, you may send a traffic log summary documenting the timeframe during which the announcements aired (in lieu of the log in its entirety). The log showing all air dates and times may be required for additional verification, but the Unit need not provide with its initial response.

(viii) In accordance with section 73.2080(c)(3), during the Unit's current license term(s) (or since acquisition of the Unit (if during that period)), a description of the Unit's efforts to analyze its EEO recruitment program to ensure that it is effective and to address any problems found as a result of such analysis.

(ix) As required by section 73.2080(c)(4), during the Unit's current license term(s) (or since acquisition of the Unit (if during that period)), a description of the Unit's efforts to analyze periodically its measures taken to examine pay, benefits, seniority practices, promotions, and selection techniques and tests to ensure that they provide equal opportunity and do not have a discriminatory effect. If the Unit has one or more union agreements, describe how the Unit cooperates with each union to ensure EEO policies are followed for the Unit's union-member employees and job applicants.

(x) If your entity is a religious broadcaster and any of the Unit's full-time employees are subject to a religious qualification as described in section 73.2080(a) of the rules, the Unit should indicate that status in its response and provide data as applicable to its EEO program. For example, for those full-time hires subject to a religious qualification, you must provide only a record of the hire listed by job title and date filled, the recruitment sources used for the opening, and the source that referred the person hired. No other records are required for those hires. If five or more full-time positions are not subject to a religious qualification, the licensee must maintain and provide all records for such hires and complete the initiatives required under section 73.2080(c)(2). Otherwise, a religious broadcaster is not required to perform these initiatives.

(c) Resumes, company training manuals, posters, employee handbooks, and corporate guidebooks are not required to be submitted. If any of the information in these or similar materials is relevant to any part of this audit letter, the Unit may provide a summary of any content if it so wishes. If this audit requires an unusually burdensome volume of documentation, the Unit may contact EEO staff at (202) 418-1450 prior to the response deadline to discuss alternative ways of condensing the information.

3. Time Brokerage—Licensee of brokered station(s) receives audit letter.

If any station included in the Unit is subject to a time brokerage agreement, the licensee must immediately forward a copy of this letter to the broker under each such agreement. Additionally, if the Unit employs fewer than five full-time employees, the licensee must respond by providing a list of the Unit's full-time employees listed by job title, the number of hours each employee is assigned to work, and a response to Question 2(b)(vi) above. If the Unit employs five or more full-time employees, the licensee must respond fully to paragraph 2(b).

4. Time Brokerage—Broker receives audit letter.

(a) **Broker receives audit letter from brokered station licensee.** The broker must submit information requested in 2(b) above concerning information relating only to its own full-time employees working on behalf of the brokered station, as required by section 73.2080(f)(3) of the

Commission's rules. If recruitment activity for those brokered station employees is maintained with that of other stations licensed to you, and you lack the ability to separate the information, submit information pertaining to both.

(b) Broker receives audit letter directly from Commission. If any station in the Unit is licensed to you, submit information requested in 2(b) above for the Unit's EEO program. If recruitment activity pertaining to full-time employees working on behalf of another station you broker is maintained with that of the Unit, and you lack the ability to separate the information, submit information pertaining to both.

(c) Broker described in 4(a) or 4(b). If full-time employees at the station you broker, combined with full-time employees at the Station (or Unit), total fewer than five, you need only respond to this letter by submitting a list of full-time employees (identified by job title and number of hours regularly assigned to work per week) for both the brokered station(s) and subject Station as well as a response to Question 2(b)(vi).

5. Procedures.

(a) The response to this audit letter must be uploaded to the FCC-hosted online public inspection file (<https://publicfiles.fcc.gov/>) belonging to each station in the Unit by no later than May 5, 2022. The response should be placed in the EEO Audits, Investigations, and Complaints subfolder in the online public file (found at EEO Records>>Additional Documents>> EEO Audits, Investigations, and Complaints). Include in the response the Station's Facility ID Number and an e-mail address of a Station representative.

(b) Any extension of time must be requested at least five days prior to aforementioned deadline (via email to EB-EEO@fcc.gov), indicate the additional time the Unit believes it needs to complete its response (not to exceed 45 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.

(c) If the Unit submitted an EEO audit response in 2020 or 2021 and/or the most recent license renewal application(s) applicable to the Unit were granted after June 1, 2020, send an email to EB-EEO@fcc.gov for additional guidance on whether a response is required. In the email, provide a reference to the relevant filings/applications before the Commission.

(d) The accuracy and completeness of the response must be certified by an officer, partner or other principal of the Station licensee or broker (as appropriate) or, in the case of a noncommercial educational station, by an officer, member or other principal of the licensee. (See 47 CFR § 1.16.). 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; 47 CFR § 1.17), revocation of any station license or construction permit (47 U.S.C. § 312(a)(1)), and/or forfeiture (47 U.S.C. § 503). Failure to respond to this audit letter by the deadline is punishable by sanctions in accordance with section 73.2080(g).

(e) As required by sections 73.3526(e)(10) (commercial stations) and 73.3527(e)(11)

(noncommercial educational stations), a copy of this letter and the response must be placed in the FCC-hosted online public inspection file belonging to each station in the Unit. Consequently, the response should not include personal information about individuals, such as social security numbers, home addresses, or other personally identifiable information. The FCC does not require that employment units retain such information in their records, or that such information be provided in response to this letter.

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

Sincerely,

/s/ Elizabeth Goldin

Elizabeth E. Goldin
Assistant Chief, Investigations & Hearings Division
Enforcement Bureau