



Stamp and Return

ANDREW S. KERSTING  
REGULATORY COUNSEL

(404) 260-6761  
[ANDY.KERSTING@CUMULUS.COM](mailto:ANDY.KERSTING@CUMULUS.COM)

April 18, 2017

*By Hand*

Lewis C. Pulley  
Assistant Division Chief, Policy Division  
Media Bureau/EEO Staff  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RECEIVED - FCC

APR 18 2017

Federal Communications Commission  
Bureau / Office

Re: Response to Broadcast EEO Audit Letter  
Radio License Holding CBC, LLC  
KDJK(FM), Mariposa, California  
Facility ID 11241

Dear Mr. Pulley:

Radio License Holding CBC, LLC, licensee of radio station KDJK(FM), Mariposa, California and the commonly-owned stations in the Modesto, California station employment unit ("SEU"), hereby submits the SEU's response to your letter dated February 8, 2017, concerning compliance with the Commission's Equal Employment Opportunity rule, 47 C.F.R. § 73.2080. In accordance with your request, this submission includes a sworn statement by Richard S. Denning, Esquire, Senior Vice President and General Counsel of the licensee. This response is being submitted pursuant to an informal request for an extension of time submitted March 21, 2017, which was granted the same date.

Should any questions arise concerning this matter, please contact the undersigned.

Sincerely,

Andrew S. Kersting  
Regulatory Counsel

Enclosure

## DECLARATION OF RICHARD S. DENNING

I, Richard S. Denning, hereby declare as follows:

1. I am Senior Vice President and General Counsel of Radio License Holding CBC, LLC, licensee of radio station KDJK(FM), Mariposa, California (Facility ID 11241), which is part of a station employment unit based in Modesto, California and which includes stations KDJK, KATM(FM), KWIN(FM), KESP(AM), KHKK(FM), KHOP(FM), KJOY(FM), and KWNN(FM) (collectively, the “SEU”). The stations in the SEU are commonly owned through indirect subsidiaries ultimately owned and controlled by Cumulus Media Inc. (collectively, “Cumulus”). This Declaration and the attachments annexed hereto are being submitted in response to a letter dated February 8, 2017 (the “Audit Letter”) from Lewis C. Pulley, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission (“FCC”), concerning a random audit of the SEU’s compliance with the FCC’s equal employment opportunity (“EEO”) rule, 47 C.F.R. § 73.2080.

2. The SEU employs five (5) or more full-time employees as the term is defined in Section 73.2080(e)(1), 47 C.F.R. § 73.2080(e)(1), of the FCC’s rules.

3. In response to Question 3(a) of the Audit Letter, copies of the SEU’s two most recent EEO public file reports, as described in 47 C.F.R. § 73.2080(c)(6), are annexed hereto as Appendix A.

The web address of each of the stations in the SEU is as follows: [www.104thehawk.com](http://www.104thehawk.com) (website of both KDJK and KHKK); [www.katm.com](http://www.katm.com); [www.kwin.com](http://www.kwin.com) (website of both KWIN and KWNN); [www.sportsradio970.com](http://www.sportsradio970.com); [www.khop.com](http://www.khop.com); and [www.993kjoy.com](http://www.993kjoy.com).

A copy of the current EEO public file report is on or linked to each of the above websites.

4. In response to Question 3(b) of the Audit Letter, documentation concerning the recruitment sources used to fill each full-time position during the period covered by the above EEO public file reports is annexed hereto in Appendix B. Those recruitment sources that have notified the SEU that they want to be alerted to job openings at the SEU, as described in §73.2080(c)(1)(ii), are reflected in Section II of each public file report. The SEU’s standard practice is to retain copies of job vacancy announcements that are sent to all recruitment sources.

The SEU’s ability to recover certain documentation concerning the recruitment sources used to fill full-time positions during the period covered by the above EEO public file reports has been significantly hampered by the departure of the SEU’s former Business Manager in December 2016 and a former Sales Assistant in February 2016, to whom the former Business Manager had delegated responsibility for all EEO responsibilities within the SEU. As explained in greater detail in the Declaration of the SEU’s Market Manager annexed hereto as Appendix C, prior to her resignation from Cumulus in December 2016, the former Business Manager – without the knowledge or authorization of the Market Manager – delegated responsibility for all EEO duties to the SEU’s former Sales Assistant. The former Sales Assistant left the SEU’s employment on February 22, 2016 on medical leave and never returned. As a result, the SEU has been unable to retrieve copies of the job vacancy announcements that the SEU believes were provided to certain

outside recruitment sources in its EEO program during the last two reporting periods, as well as other EEO records.

Cumulus retains logs in electronic format for commercials aired on all of its stations, and, thus, generally has the ability to produce log sheets for those ads aired on its stations. Appendix B hereto contains a log of the job vacancy announcements that were aired on the SEU's stations.

5. In response to Question 3(c) of the Audit Letter, the EEO public file reports annexed hereto in Appendix A contain data regarding (a) the total number of interviewees for each full-time vacancy, and (b) the referral source for each interviewee for each full-time vacancy filled during the period covered by the EEO public file reports.

6. In response to Question 3(d) of the Audit Letter, documentation of the SEU's performance of the recruitment initiatives as described in §73.2080(c)(2) during the relevant time period is annexed hereto as Appendix D. Station personnel involved in the recruitment initiatives are identified in Appendix D as well. The SEU employs a total of 50 full-time employees. The stations are located in a market with a population of more than 250,000. Accordingly, the SEU is required to perform at least four (4) recruitment initiatives during a two-year period.

7. In response to Question 3(e) of the Audit Letter, the licensee affirms that it is not aware of any pending or resolved discrimination complaints against the licensee of the stations in the SEU during the current license term.

8. In response to Question 3(f) of the Audit Letter, Cumulus has established and implemented a company-wide EEO compliance plan. At the corporate level, Cumulus recognizes the importance of EEO compliance and has communicated the importance of complying with the FCC's broad outreach and recordkeeping requirements to employees at all levels within the company, including its national, regional and local personnel. Cumulus has previously engaged its outside communications counsel to conduct comprehensive FCC EEO training sessions, which were mandatory for all market and business managers. Those training sessions were followed by the distribution of written compliance materials to key personnel in each SEU who have recruitment and hiring responsibility. Cumulus also instituted a policy designed to help reduce the inevitable recordkeeping lapses which occur as a result of employee turnover.

On March 22, 2016, Cumulus conducted another comprehensive FCC EEO training session for all market and business managers. As part of this training session, those personnel involved in the recruitment and hiring at Cumulus's various stations were given an opportunity to ask questions concerning compliance with the FCC's EEO rule.

As a result of the SEU's inability to locate certain records relating to its recruitment efforts for certain full-time vacancies during the two reporting periods which are the subject of this audit, Cumulus now is requiring that all new business managers in its various markets review the power point presentation that was discussed during the FCC EEO training session conducted on March 22, 2016. In addition, Cumulus is taking the additional step of having its corporate legal department follow up with all new business managers after they have had an opportunity to review the EEO training session to help ensure that those new managers fully understand their responsibilities with respect to the FCC's EEO rule.

The SEU's compliance efforts include identifying Cumulus's efforts to afford equal employment opportunities to employees through statements disseminated in job applications and vacancy announcements posted in conspicuous areas within the workplace. In addition, each new employee receives a written document informing them that Cumulus is an Equal Employment Opportunity Employer. Managers are required to recruit without regard to protected classes, which includes avoiding language in an interview that could be interpreted as being discriminatory in nature. Periodic discrimination and harassment training also is required of all employees that manage or supervise staff members.

The SEU's new Business Manager – an experienced management individual who also serves as the Business Manager in Cumulus's San Francisco market – has primary responsibility for overseeing the EEO program at the local level and has implemented the following new procedures. In an effort to help promote accurate recordkeeping and recruitment source identification of all potential employment candidates, the SEU strives to require all job candidates to submit their resumes to the Cumulus HRM employment website, regardless of their initial recruitment source. The SEU also maintains detailed files on each individual full-time position posted, as well as all recruitment initiatives participated in by the SEU. In addition, SEU management personnel now are required to recruit through the SEU's business office from the time each full-time position becomes available through the final selection process of each employment candidate. Periodic training and EEO "reminders" are provided to all station personnel involved in the hiring and/or recruitment process to ensure that the FCC's recruitment guidelines are followed on a consistent basis. In addition, the SEU will constantly strive to improve its established internship program, and frequently attempt to broaden its pool of prospective employment applicants by continuing to participate in local job fairs.

9. In response to Question 3(g) of the Audit Letter, the SEU understands that it must periodically analyze the effectiveness of its EEO recruitment program by reviewing the productivity of the recruitment sources listed therein in terms of both the quantity and quality of the interviewees that are being generated from those recruitment sources, as well as the results that are being generated from its recruitment initiatives. Accordingly, despite the problems that resulted from the unauthorized delegation of EEO responsibilities and the departure of the former Sales Assistant, the SEU has resumed its former practice of routinely examining and updating its list of recruitment sources and adjusting its outreach initiatives as needed. Moreover, the SEU's management team is now meeting on a quarterly basis to brainstorm in an effort to generate new and different outreach initiatives to better inform the communities served by the SEU's stations about career opportunities in broadcasting.

10. In response to Question 3(h) of the Audit Letter, the SEU makes a concerted effort to comply with all federal, state and/or local laws regarding pay, benefits, seniority practices, promotions, and selection techniques and tests to ensure that the SEU is providing equal employment opportunity, and is not discriminating against employees or job applicants. The SEU's employment practices are the ultimate responsibility of its Market Manager, Bob Berger, who works in conjunction with in-house counsel at Cumulus headquarters and, when applicable, outside employment and labor counsel.

**SIGNATURE PAGE TO  
DECLARATION OF RICHARD S. DENNING**

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Signed and dated this 17th day of April, 2017.

  
Richard S. Denning