



STAMP AND RETURN

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Federal Communications Commission  
Bureau / Office

*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

Re: Response to Broadcast EEO Audit Letter  
Radio License Holding CBC, LLC  
WBSX(FM), Hazleton, PA  
Facility ID 133

Dear Mr. Pulley:

Radio License Holding CBC, LLC, licensee of radio station WBSX(FM), Hazleton, Pennsylvania and the commonly-owned stations in the Wilkes Barre-Scranton, Pennsylvania 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 rules, 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.

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 WBSX(FM), Hazleton, Pennsylvania (Facility ID 133), which is part of a station employment unit based in the Wilkes Barre-Scranton, Pennsylvania radio market, and which includes stations WBSX, WARM(AM), WBHD(FM), WBHT(FM), WMGS(FM) and WSJR(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.979x.com](http://www.979x.com); [www.sportsradio590am.com](http://www.sportsradio590am.com); [www.97bht.com](http://www.97bht.com); [www.magic93fm.com](http://www.magic93fm.com); and [www.nashfm937.com](http://www.nashfm937.com).<sup>1</sup>

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.

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.

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<sup>1</sup> Station WBHD simulcasts the programming aired on station WBHT and shares WBHT’s website.

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 C. Station personnel involved in the recruitment initiatives are identified in Appendix C as well. The SEU employs a total of 23 full-time employees. At least one of the stations is 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. In 2008, 2009, and 2011, Cumulus 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.

At the local level, the SEU's compliance efforts include identifying ways to afford equal employment opportunities to employees through statements disseminated in job applications and vacancy announcements, the latter of which are distributed by email to the entire SEU staff. In addition, the SEU holds weekly meetings among its management team. Approximately once each month during those meetings, the following EEO matters are addressed: (i) the need to ensure that job vacancy announcements are widely distributed among its various recruitment sources each and every time there is an opening for a full-time position; (ii) ideas for the SEU's management staff to become more involved in community events, and (iii) how managers can become more actively involved in EEO recruitment initiatives. The SEU's Business Manager also frequently reminds the SEU's management team of the need to reach out to area colleges and universities, and makes inquiries about the status of the SEU's internship program.

9. In response to Question 3(g) of the Audit Letter, the SEU understands that it must analyze the effectiveness of its EEO recruitment program on a periodic basis 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 obtained from its recruitment initiatives.

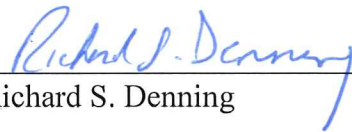
10. In response to Question 3(h) of the Audit Letter, the SEU makes a concerted effort to comply with all federal, state and/or local laws regarding pay, benefits, seniority practices, promotions, and selection techniques and tests to ensure that the SEU is providing equal employment opportunity, and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

[SIGNATURE ON THE FOLLOWING PAGE]

**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 23rd day of March, 2017.

  
Richard S. Denning