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Lewis C. Pulley
Assistant Chief, Policy Division
Media Bureau
Federal Communications Division
445 12th Street, S.W.
Washington, DC 20554

Re: WBCH-FM, Hastings, MI
Facility ID No. 3989

Mr. Pulley:

This is in response to your February 14, 2019 letter, regarding a random FCC audit of the WBCH-FM EEO program.

We respectfully note that our employment unit is not required to have an EEO recruitment program due to its size. Our employment unit consists of WBCH-FM, together with station WBCH (AM), Hastings, MI (Facility ID No. 3990). Our unit employs three full-time employees (defined as employees regularly assigned to work 30 or more hours per week): two sales executives and one traffic director, each of whom work 40 hours per week.

We note that the stations have a full-time general manager who is the son and beneficiary of two trusts that control 100% of the vote and equity of the licensee of these two small, family-owned stations. In implementing its current EEO policies, the Commission stated that a voting owner's employment at a station would be considered more than an incident of ownership rather than a normal or true employment relationship because the individual in question could not in any normal sense be hired or fired, nor expected to be subject to outside recruitment. Broadcast and Cable Equal Employment Opportunity Rules and Policies (Second Report and Order), FCC 02-303 (2002) at ¶¶ 172 and 173. We respectfully submit that here the general manager and sole beneficiary of the trusts is tantamount to a voting owner by virtue of his intimate familiar relationship to the two trustees which effectively insulates him from a normal employment relationship with the owners and serves to obviate outside recruitment.

During our current license term, no complaint involving WBCH has been filed before any body having competent jurisdiction under federal, state, territorial or local law alleging unlawful discrimination in the employment practices of our unit on the basis of race, color, religion, national origin or sex.

WBCH is not time-brokered.

Should any questions arise with regard to this audit response letter, please contact our attorney Rebecca Jacobs Goldman, Womble Bond Dickinson (US) LLP at Rebecca.Goldman@wbd-us.com.

To the best of my knowledge, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27 day of March, 2019

Barry Broadcasting Co.

By Steven K. Radant
Steven K. Radant
President