Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of	)	
	)	
Gallup Public Radio	)	Facility ID No. 23052
	)	NAL/Acct. No. MB-201341410014
For Renewal of License for	)	FRN: 0010503860
Station KGLP(FM)	)	File No. BRED-20130528AIV
Gallup, New Mexico	)	

ORDER

Adopted: November 14, 2014 **Released: November 17, 2014**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau ("Bureau") and Gallup Public Radio ("Gallup"), the licensee for Station KGLP(FM), Gallup, New Mexico ("Station"). The Consent Decree resolves issues arising from the Bureau's review of the captioned license renewal application ("Renewal Application") for the Station as to whether Gallup violated Section 73.3527[1] of the Commission's Rules ("Rules").[2]

2. The Consent Decree provides, among other things, that the Licensee will institute and maintain, for four years, a Compliance Plan for the Station and make a Seven Thousand, Five Hundred Dollars ($7,500) voluntary contribution to the United States Treasury, reduced from the proposed forfeiture amount based on the Bureau's review of Gallup's tax returns. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's consideration of potential violations of the Rules disclosed in the Renewal Application.

4. Based on the record before us, we conclude that nothing in that record creates a substantial or material question of fact as to whether Gallup possess the basic qualifications to be a Commission licensee.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,[3] and by the authority delegated by Sections 0.61 and 0.283 of the Rules,[4] the Consent Decree attached hereto IS ADOPTED.

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[1] 47 C.F.R. § 73.3527.

[2] *See Gallup Public Radio*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 13847 (MB 2013) (proposing $12,000 forfeiture for apparent violation of Section 73.3527).

[3] 47 U.S.C. § 4(i).

6. IT IS FURTHER ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Section 1.80 of the Commission's Rules,[5] that the *Notice of Apparently Liability for Forfeiture* issued to Gallup Public Radio for willfully and repeatedly violating Section 73.3527 of the Commission's Rules at Station KGLP(FM), Gallup, New Mexico, IS HEREBY REDUCED TO $7,500.

7. IT IS FURTHER ORDERED that the investigation by the Media Bureau of the matters noted above IS TERMINATED.

8. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Gallup Public Radio, c/o Raymond D. Calderon, 705 Gurley Avenue, Gallup, NM 87301.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

[4] 47 C.F.R. §§ 0.61, 0.283.

[5] 47 U.S.C. § 503(b); 47 C.F.R. § 1.80.

CONSENT DECREE

I. Introduction

1. This Consent Decree is entered into by and between the Media Bureau of the Federal Communications Commission and Gallup Public Radio by their respective authorized representatives, for the purpose of resolving certain issues regarding compliance with the Public File Rule, as defined below, that have arisen in the Media Bureau's review of the pending application for the renewal of the license for Station KGLP(FM), Gallup, New Mexico.

II. Definitions

2. For purposes of this Consent Decree, the following definitions shall apply:

a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. §151 *et. seq.*;

b) "Bureau" means the Media Bureau of the Federal Communications Commission;

c) "Commission" or "FCC" means the Federal Communications Commission;

d) "Compliance Plan" means the processes and procedures developed by the Licensee in an effort to ensure compliance with the Public File Rule at the Station, as summarized in the Appendix hereto;

e) "Effective Date" means the date on which the Bureau releases the Order;

f) "Execution Date" means the date on which this Consent Decree is executed by the last of the Parties to do so;

g) "Licensee" or "Gallup" refers to Gallup Public Radio;

h) "Order" means the Order of the Bureau adopting this Consent Decree;

i) "Parties" means the Bureau and the Licensee;

j) "Public File Rule" means Section 73.3527 of the Commission's Rules, 47 C.F.R. § 73.3527;

k) "Renewal Application" means the pending application for the renewal of the license for Station KGLP(FM), Gallup, New Mexico (File No. BRED-20130528AIV);

l) "Rules" means the Commission's Rules, found in Title 47 of the Code of Federal Regulations;

m) "Station" means Station KGLP(FM), Gallup, New Mexico (Facility ID No. 23052); and

n) "Violations" means the violations of the Public File Rule.

III. Background

3. On May 28, 2013, Licensee filed the Renewal Application to renew its license for the Station. In that application, Licensee made disclosures to the Commission concerning compliance issues with the Public File Rule. On September 25, 2013, the Bureau issued a *Notice of Apparent Liability for Forfeiture* in connection with the Violations disclosed in the Renewal Application.[6] The Licensee has timely disputed the *NAL*.

4. Because of the compliance issues raised by these disclosures, the Parties have agreed to enter into this Consent Decree, to which both the Licensee and the Bureau intend to be legally bound.

IV. Agreement

5. The Parties acknowledge that any proceeding that might result from the Public File Rule compliance issues referred to in Paragraph 3 above would be time-consuming and require a substantial expenditure of public and private resources. In order to conserve such resources, to resolve the matter, and to promote Licensee's compliance with the Public File Rule, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

6. The Licensee and the Bureau agree to be legally bound by the terms and conditions of this Consent Decree. Each represents and warrants to the other that its signatory is duly authorized to enter into this Consent Decree on its behalf. The Licensee agrees that the Bureau has jurisdiction over the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

7. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Licensee and the Bureau concerning the Licensee's Violations at the Station, as discussed herein.

8. In express reliance on the covenants and representations in this Consent Decree, the Bureau agrees that it will not use the Violations in any action against the Licensee, provided that the Licensee satisfies all of its obligations under this Consent Decree. In the event that the Licensee fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

9. The Licensee hereby stipulates that the Station violated the Public File Rule in the maintenance of the Station's public file during the 2005-2013 license term.

10. The Licensee agrees to make a voluntary contribution to the United States Treasury in the amount of Seven Thousand, Five Hundred Dollars ($7,500). Such contribution will be made, without further protest or recourse to a *trial de novo,* by a check or similar instrument, wire transfer or money order payable to the order of the Federal Communications Commission. Payment by check or money order maybe mailed to Federal Communications Commission, at P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank-Government Lockbox #979088, SLMO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If completing the FCC Form *159,* enter the NAL/Account

[6] *Gallup Public Radio*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 13847 (MB 2013) ("*NAL*").

number in block number 23A (call sign/other ID), and enter the letters "FORE" in block number 24A (payment type code). Licensee will also send electronic notification on the date said payment is made to Penelope.Dade@fcc.gov and Alexander.Sanjenis@fcc.gov.

11. Because the Violations continued over six years out of the eight year license term, the Bureau agrees to grant the Renewal Application, after the Effective Date, for a four (4) year time period, provided that the following conditions have been met: 1) Licensee has fully and timely satisfied its obligation to make the voluntary contribution referenced in paragraph 10 of this Decree; and 2) there are no issues other than the Violations that would preclude grant of the Renewal Application.

12. The Licensee represents that, in addition to its existing policies and procedures, it has adopted, is currently in the process of implementing, and agrees to abide by the Compliance Plan for the purpose of ensuring compliance with the Public File Rule. Licensee agrees, to the extent that it has not already done so, to implement this Compliance Plan at the Station no later than thirty (30) days after the Effective Date and to keep such Compliance Plan in effect for three (3) years after the Effective Date.

13. The Licensee represents that as of the Execution Date of this Consent Decree, the Station's public file fully complies with the Public File Rule.

14. The Licensee agrees that it is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent that the Licensee fails to satisfy any condition or Commission Rule, in the absence of Commission alteration of the condition or Rule, it will be deemed noncompliant and may be subject to possible enforcement action, including, but not limited to, revocation of the relief, designation of the matter for hearing, letters of admonishment and/or forfeitures.

15. The Consent Decree will be binding on the Licensee's successors-in-interest and assigns. The Licensee agrees that any future application to assign or transfer control of the Station will include a statement executed by an authorized representative of the proposed assignee or transferee consenting to assumption of the responsibilities and duties set forth in this Consent Decree with regard to the Station.

16. The Licensee waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Order, provided the Order adopts the Consent Decree without change, addition or modification.

17. The Licensee agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. Section 504 and 47 C.F.R. Section 1.1501 *et seq.*, relating to the matters discussed in this Consent Decree.

18. The Licensee and the Bureau agree that the effectiveness of this Consent Decree is expressly contingent upon issuance of the Order, provided the Order adopts the Consent Decree without change, addition or modification.

19. The Licensee and the Bureau agree that if the Licensee, the Commission or the United States on behalf of the Commission, brings a judicial action to enforce the terms of the Order adopting this Consent Decree, neither the Licensee nor the Commission will contest the validity of the Consent Decree or Order, and the Licensee and the Commission will waive any statutory right to a *trial de novo* with respect to any matter upon which the Order is based (provided in each case that the Order is limited to adopting the Consent Decree without change, addition, or modification), and will consent to a judgment incorporating the terms of this Consent Decree.

20. The Licensee and the Bureau agree that, in the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

21. This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION

By: _____
William T. Lake, Chief

Date: 11-14-14

GALLUP PUBLIC RADIO

By: _____
Raymond D. Calderon, President

Date: 11/11/14

APPENDIX

COMPLIANCE PLAN FOR STATION KGLP(FM)

For a period of four (4) years commencing as of the Effective Date of the Consent Decree, Gallup Public Radio, or its successor-in-interest, as appropriate, will institute the following procedures to ensure compliance with the Commission's Public File Rule. Unless otherwise provided, all terms defined in the Consent Decree apply to this Compliance Plan.

I. A. The Station Manager and other appropriate staff of the Station will log all broadcasts of programming which, in the Licensee's judgment, constitutes public affairs and public service programming, broadcast by the Station. These logs will be compiled into quarterly issues/programs lists and will be timely placed in the public file of the Station.

B. All such quarterly issues/programs lists will be signed and dated by their preparer before they are placed in the public file.

C. Late-filed lists will be reviewed and signed by the Station's management and accompanied in the Station's public file with a statement indicating the nature of the document, the date placed in the public file, and the reason for the late filing.

D. Within 30 days from the Effective Date of this Compliance Plan, Licensee will conduct training for all Station employees and management on compliance with FCC Rules applicable to Station operations. It will designate a Compliance Officer responsible for responding to Station employee questions and consulting with outside counsel familiar with Communications law regarding compliance matters. Licensee will conduct refresher training for Station employees and management at least once every twelve (12) months, and will train any new Station employee within five (5) business days of commencement of his or her duties at the Station.

II. Licensee and/or any successor licensee, as appropriate, will conduct annual audits of the Station's public file on or about the anniversary date of the Effective Date of the Consent Decree. The four-year period will terminate on the successful completion of the fourth annual public file audit. The second, third, and fourth audits will be due on the anniversary of the first audit.

III. Licensee shall annually submit a sworn certification to the Commission, signed by Licensee, that the Station's public file fully complies with the Public File Rule. If the Licensee cannot truthfully make this certification, it shall set forth in detail any public file deficiencies and describe any corrective measures taken. This report shall be filed within ten (10) days of the completion of the first annual public file audit pursuant to Item II above, and on that date yearly thereafter for a period of three years. A copy will be served on Peter H. Doyle, Chief, Audio Division, Media Bureau, Federal Communications Commission and e-mailed to him at Peter.Doyle@fcc.gov.

IV. This Compliance Plan will be under the direct supervision of Raymond D. Calderon, President, or by any employee of Licensee designated by Mr. Calderon, or in the event Mr. Calderon is no longer with Licensee or if the license has been assigned, by his successor or his successor's designee who is affiliated with the successor Licensee's Board.