

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

In the Matter of	)	
	)	
WLPC, LLC	)	Facility ID No. 168471
Application For Renewal of License For Class A	)	FRN No. 0005014527
Television Station WLPC-CD	)	Acct. No. 201741420002
Detroit, Michigan	)	File No. BRTTA-20130531ATA

**ORDER**

**Adopted: March 22, 2017**

**Released: March 23, 2017**

By the Commission:

1. In this Order, we adopt the attached Consent Decree entered into between the Commission and WLPC, LLC (WLPC). The Consent Decree resolves issues raised in our review of the above-captioned application for license renewal for Class A television station WLPC-CD, Detroit, Michigan (Station), specifically regarding WLPC’s compliance at the Station with: (1) the children’s programming requirements set forth in Section 73.671 of the Commission’s Rules (Rules),<sup>1</sup> which implements the Children’s Television Act of 1990<sup>2</sup> and (2) Section 73.3526 of the Rules, which, *inter alia*, requires broadcast stations to prepare and place certain documents in the Station’s online electronic local public inspection file, including but not limited to quarterly TV issues/programs lists and Children’s Television Programming Reports.<sup>3</sup> A copy of the Consent Decree is attached hereto and incorporated by reference.

2. After reviewing its terms, we find that the public interest would be served by adopting the Consent Decree. We conclude that there are no substantial or material questions of fact regarding WLPC’s qualifications to remain a Commission licensee. Although we conclude that the Consent Decree contains appropriate terms and conditions, after reviewing the record before us, we believe that the grant of a short-term renewal is appropriate in order to better ensure the Licensee’s ongoing compliance with the CTA and with Sections 73.671 and 73.3526 of the Rules.<sup>4</sup> Accordingly, we direct the Media Bureau to grant the renewal application, File No. BRTTA-20130531ATA, and renew the Station’s license for a period of two years pursuant to Section 309(k)(2) of the Communications Act of 1934, as amended (Act). Grant shall be conditioned upon WLPC fully and timely satisfying its obligation to make the Settlement Payment as called for by paragraph 12 of the Consent Decree and in the manner set forth by paragraph 14

---

<sup>1</sup> 47 CFR § 73.671.

<sup>2</sup> Pub L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, and 394.

<sup>3</sup> 47 CFR § 73.3526.

<sup>4</sup> Section 309(k)(1) of the Act states that the Commission shall grant a license renewal application “if it finds, with respect to that station, during the preceding term of its license—(a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of the Act or Commission rules or regulations which, taken together, would constitute a pattern of abuse.” 47 U.S.C. § 309(k)(1). Section 309(k)(2) of the Act states, however, that if the licensee fails to meet this three-part standard, the Commission may deny the application—after notice and comment, and opportunity for hearing under Section 309(e) of the Act—“or grant the application on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.” 47 U.S.C. § 309(k)(2).

of the Consent Decree. As a result, we need not determine whether WLPC committed “serious violations” of our rules or violations that constituted a “pattern of abuse” for purposes of Section 309(k)(1).<sup>5</sup>

3. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) of the Act,<sup>6</sup> the Consent Decree attached to this Order IS ADOPTED.

4. IT IS FURTHER ORDERED that the investigation by the Commission into the matters discussed above and in connection with this station IS TERMINATED.

5. IT IS FURTHER ORDERED that a copy of this Order and Consent Decree shall be sent by both First Class mail and Certified Mail, Return Receipt Requested, to WLPC, LLC, 23705 Plymouth Road, Redford, MI 48239 and to its counsel Francisco R. Montero, Esq., Fletcher, Heald, & Hildreth, PLC, 1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor, Arlington, VA 22209.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

---

<sup>5</sup> See *Shareholders of Univision Communications Inc. et al.*, Memorandum Opinion and Order, 22 FCC Rcd 5842, 5859, n.113 (2007) (“Given our finding that the grant of the renewal application is warranted under Section 309(k)(2) of the Act because the consent decree contains appropriate terms and conditions, we need not determine whether Univision committed ‘serious violations’ of our rules or violations that constituted ‘a pattern of abuse’ for purposes of Section 309(k)(1).”)

<sup>6</sup> 47 U.S.C. §§ 154(i).

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

In the Matter of	)	
	)	
WLPC, LLC	)	Facility ID No. 168471
Application For Renewal of License For	)	FRN No. 0005014527
Class A Television Station WLPC-CD	)	Acct. No. 201741420002
Detroit, Michigan	)	File No. BRTTA-20130531ATA

**CONSENT DECREE**

1. The Federal Communications Commission (Commission) and WLPC, LLC (WLPC), licensee of station WLPC-CD, Detroit, Michigan, hereby enter into this Consent Decree for the purpose of: (i) resolving the Commission’s investigation of WLPC’s compliance with the Children’s Television Act of 1990,<sup>1</sup> as well as Sections 73.671 and 73.3526 of the Commission’s rules,<sup>2</sup> and (ii) facilitating the short-term grant of WLPC’s above-captioned pending license renewal application.

**I. DEFINITIONS**

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

- a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
- b) “Adopting Order” means the Order of the Commission adopting the terms of this Consent Decree without change, addition, deletion, or modification.
- c) “Bureau” means the Media Bureau of the Federal Communication Commission.
- d) “Class A Eligibility Certification” means documentation demonstrating compliance with the Station’s ongoing Class A requirements pursuant to 47 CFR § 73.6001 *et seq.*, as required by 47 CFR § 73.3526(e)(17).
- e) “Commercial Limits Certification” means documentation demonstrating compliance with the Commission’s commercial limit rules pursuant to 47 CFR § 73.670, as required by 47 CFR § 73.3526(e)(11)(ii).
- f) “Commission” or “FCC” mean the Federal Communications Commission and all of its bureaus and offices.
- g) “Communications Laws” means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission including but not limited to, 47 CFR §§ 73.3526, 73.671, and the CTA.
- h) “CTA” means the Children’s Television Act of 1990, Pub L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, and 394.
- i) “Division” means the Video Division of the Media Bureau.
- j) “Effective Date” means the date on which the Commission releases the Adopting Order.
- k) “Investigation” means the Media Bureau’s investigation of WLPC’s potential violations of the CTA, and 47 CFR §§ 73.671, 73.3526.

<sup>1</sup> Pub L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303a, 303b, and 394.

<sup>2</sup> 47 CFR §§ 73.671, 73.3526.

- l) “License Renewal Application” means the license renewal application of station WLPC-CD, Detroit, Michigan, File No. BRTTA-20130531ATA.
- m) “Parties” means WLPC and the Commission, each of which is a “Party.”
- n) “Preceding License Term” means the period commencing on January 26, 2006, the date of grant of the Station’s previous license renewal application, *see* File No. BRTTA-20050525AJL, continuing through the present.<sup>3</sup>
- o) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- p) “Station” means the broadcast television station WLPC-CD, Detroit, Michigan.
- q) “WLPC” means WLPC, LLC and its subsidiaries, affiliates, successors, assigns, and/or transferees.

## II. BACKGROUND

3. On May 31, 2013, WLPC timely filed its License Renewal Application for the Station.<sup>4</sup> A review of the Station’s on-line electronic local public inspection file (e-pif) by the Division revealed that numerous required documents were either missing or not timely filed. Not only did WLPC fail to timely file its Children’s Television Programming Reports (FCC form 398) for a period of thirty-five (35) quarters, in violation of Section 73.3526(e)(11)(iii) of the Rules,<sup>5</sup> but it also failed to prepare and/or place in the Station’s e-pif copies of various public file documents as required under Section 73.3526 of the Rules, including TV issues/program lists, Commercial Limit Certifications, and Class A Eligibility Certifications. On May 27, 2016, upon staff request, WLPC amended its License Renewal Application to acknowledge and describe these violations, and on November 21, 2016, further modified the Application to provide additional clarifications.<sup>6</sup>

---

<sup>3</sup> *See* note 4 *infra*. Moreover, although the current license for the Station bears an expiration date of October 1, 2013, by operation of Section 307(c)(3) of the Act, the Preceding License Term will continue until the License Renewal Application is granted by final action, at which time a new license term will commence. 47 U.S.C. § 307(c)(3).

<sup>4</sup> Simultaneously with its License Renewal Application, WLPC filed an application for license renewal of the low power digital companion channel facility that was authorized as part of the Station’s transition to digital service, *see* File No. BRDTL-20130531ARZ. The Commission has a long established policy of the “single, unified station license” as part of the digital conversion process. *See Remedial Steps For Failure to Comply With Digital Television Construction Schedule, Report and Order*, 18 FCC Rcd 7174, 7183-84 and n.25 (2003). As the Media Bureau explained in its March 2012 Public Notice, “TV translator, LPTV and Class A stations operating digital companion channel facilities do not have to file separate renewal application for their digital facilities.” *Media Bureau Announces Revisions to License Renewal Procedures and Form 303-S License Renewal Application; Television License Renewal Filings Accepted Beginning May 1, 2012*, Public Notice, 27 FCC Rcd 2460, 2461 (MB 2012). Therefore, WLPC’s filing of a license renewal application for the Station’s low power digital companion channel was unnecessary. Staff should have requested that WLPC either withdraw the application or dismissed it. The Parties agree that grant of that application was the result of Division administrative oversight and agree that the grant did not commence a new license term for the Station. Accordingly, the Parties agree that the “Preceding License Term” commenced upon grant of the Station’s prior license renewal application on January 26, 2006, *see* File No. BRTTA-20050525AJL, and a new license term will only begin upon grant of the License Renewal Application, by final action.

<sup>5</sup> During the Preceding License Term, WLPC failed to file in a timely manner its Children’s Television Programming Reports for every quarter *except* first quarter of 2013, fourth quarter of 2014, first quarter 2015, third quarter of 2015, fourth quarter of 2015, and first quarter of 2016.

<sup>6</sup> Beginning on the date of its application for a Class A license and thereafter, the *Community Broadcaster and Protection Act of 1999*, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336(f) (*CBPA*), requires that a station must be “in compliance with the Commission’s operating rules (continued...) ”

4. Section 73.3526 of the Rules requires each Class A broadcast licensee to maintain a public file containing information related to a station's operations. Section 73.3526(e)(11)(i) requires every Class A television licensee to place in its public file, on a quarterly basis, a TV issues/programs list which details programs that have provided the station's most significant treatment of community issues during the preceding three-month period and must include a brief narrative of the issue addressed, as well as the time, date, duration, and title of each program that addressed the issue. Section 73.3526(e)(11)(ii) requires each such licensee to prepare and place in its public inspection file, on a quarterly basis, records sufficient to substantiate the Station's certification, in its license renewal application, of compliance with the commercial limits on children's programming. Section 73.3526(e)(11)(iii) requires each such licensee to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts that it made during that quarter to serve the educational and informational needs of children. Licensees must file the reports with the Commission and place them in their public files by the tenth day of the succeeding calendar quarter. Copies of these documents must be retained until final action has been taken on the station's next license renewal application. Additionally, Section 73.3526(e)(17) requires Class A stations to place in their public files documents sufficient to demonstrate that the Class A television station is continuing to meet the eligibility requirements set forth in Section 73.6001 of the Rules.<sup>7</sup>

5. In 2012, the Commission adopted Section 73.3526(b) of the Rules, which requires licensees to upload elements of Stations' physical public file to an on-line Commission hosted website (*i.e.*, a Station's e-pif).<sup>8</sup> The Commission's e-pif requirement was implemented as a means to modernize the way that television broadcasters "inform the public about how they are serving their communities...."<sup>9</sup> Broadcasters' e-pif requirements were phased in between August 2012 and February 2013. Beginning August 2, 2012, stations were required to post any document that would otherwise be placed in a station's public file, with limited exception, to their e-pif on a going-forward basis. By February 4, 2013, stations were required with limited exception to upload to their e-pif those documents that were already in their physical public file prior to August 2, 2012.<sup>10</sup> Under Section 73.3526(b)(2) of the Rules, copies of a

(Continued from previous page) \_\_\_\_\_

for full-power television stations. 47 U.S.C. § 336(f)(2)(A)(ii). In implementing the CBPA and establishing the Class A television service, the Commission applied to Class A licensees all Part 73 regulations except for those that could not apply for technical or other reasons. Among the Part 73 requirements that apply to Class A licensees are the rules governing informational and educational children's programming, the limits on commercialization during children's programming, and a station's local public inspection file. *In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000), Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8254-56 (2001) (*MO&O on Recon.*); 47 CFR § 73.6026. Class A television licensees are also subject to the regulations regarding fines and penalties applicable to full power television stations, and are subject to loss of Class A status if they fail to meet these ongoing program service and operating requirements. *MO&O on Recon.*, 16 FCC Rcd at 8257. Because WLPC filed an application to convert the Station's low power television license to Class A status on July 12, 2001, since that date, the Station has been subject to all applicable full power television rules. *See* File BLTAA-20010712ABY (granted Feb. 27, 2002).

<sup>7</sup> *See* 47 CFR § 73.6001.

<sup>8</sup> *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement for Children's Television Programming Report*, Second Report and Order, 27 FCC Rcd 4535 (2012) ("*Second R&O*") (requiring broadcast television stations to post their public inspection files, with limited exceptions, to an online Commission-hosted database).

<sup>9</sup> *Second R&O*, 27 FCC Rcd at 4536.

<sup>10</sup> *See Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (2012) (announcing effective date of electronic public file rule); *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, 27 FCC Rcd 15315 (2012) (reminding stations to upload copies of existing public file documents to their electronic public file); *Television Broadcast Stations Reminded of the Upcoming Public Inspection Filing Deadline*, Public Notice, 28 FCC Rcd 429 (2013) (providing a final reminder to broadcasters to upload copies of existing public file documents to their

(continued...)

Station's Commercial Limit Certifications, Class A Eligibility Certifications, and TV issues/programs lists, among other items, must be placed in its e-pif.

6. A Division audit of the Station's Children's Television Programming Reports revealed that during the Preceding License Term WLPC either improperly reported its children's television programming and/or failed to air a total of three hours of children's programming per week, as averaged over of a six month period.<sup>11</sup> Specifically, during the Preceding License Term, WLPC failed to meet the three hour children's programming processing guideline, as averaged over a six month period, for the following periods: first, second, and third quarters of 2008; fourth quarter of 2011; all quarters of 2012, first quarter of 2013; and second quarter of 2013. In total, the Station has fallen below the three hour processing guideline by an aggregate of approximately 110 hours of Core Programming, with quarterly shortfalls ranging from 1 hour to as much as 22 hours.<sup>12</sup> Under the CTA, as implemented by Section 73.671 of the Rules, a broadcast television licensee is required "to serve, over the term of its license, the educational and informational needs of children through both the licensee's overall programming and programming specifically designed to serve such needs."<sup>13</sup> Programming specifically designed to serve the educational and informational needs of children is defined by the Rules as "Core Programming."<sup>14</sup> In the *1996 Children's Television Order* revising our rules and policies governing children's programming, the Commission established a license renewal application processing guideline of at least three hours of Core Programming per week.<sup>15</sup> The Rules provide that the Media Bureau staff shall approve the CTA portion of any license renewal application where the licensee demonstrates that it has aired an average of at least three hours per week of Core Programming, as averaged over a six-month period.<sup>16</sup> A licensee will also be deemed to have satisfied this obligation and be eligible for staff approval if it demonstrates that it has aired a package of different types of educational and informational programming that, while containing somewhat less than three hours per week of Core Programming, demonstrates a level of commitment to educating and informing children at least equivalent to airing three hours per week of Core Programming.<sup>17</sup> The renewal applications of licensees that do not meet these processing guidelines

(Continued from previous page) \_\_\_\_\_

electronic public file); *see Second R&O*, 27 FCC Rcd at 4580 (establishing compliance periods for complying with broadcasters new electronic public file requirement).

<sup>11</sup> Section 73.6026 of the Rules requires Class A stations to also comply with, inter alia, the Commission's Core programming requirements. 47 CFR § 73.6026.

<sup>12</sup> *See License Renewal Application, Attachment 1 (Reason for Amendment)* at 3.

<sup>13</sup> *See* 47 CFR § 73.671(a).

<sup>14</sup> *See* 47 CFR § 73.671(c).

<sup>15</sup> *Policies and Rules Concerning Children's Television Programming: Revision of Programming Policies for Television Broadcast Stations*, Report and Order, 11 FCC Rcd 10660, 10718 (1996) (*1996 Children's Television Order*). The Commission established rules setting forth seven criteria for evaluating whether a program qualifies as Core programming: (1) the program has serving the educational and informational needs of children ages 16 and under as a significant purpose; (2) the program is aired between the hours of 7:00 a.m. and 10:00 p.m.; (3) the program is a regularly-scheduled weekly program; (4) the program is at least 30 minutes in length; (5) the program is identified as being specifically designed to educate and inform children through the on-screen display of the E/I symbol throughout the program; (6) the educational objective and the target child audience are specified in writing in the licensee's Children's Television Programming Report; and (7) instructions for listing the program as educational/informational, including an indication of the age group for which the program is intended, are provided by the licensee to publishers of program guides. *1996 Children's Television Order*, 11 FCC Rcd at 10696; 47 CFR § 73.671(c).

<sup>16</sup> 47 CFR §§ 73.671(d), (e)(1).

<sup>17</sup> *Id.*

are referred to the Commission, where the licensees have a full opportunity to demonstrate compliance with the CTA.<sup>18</sup>

7. As required by the CTA, we have considered whether WLPC “has served the educational needs of children through the licensee’s overall programming, including programming specifically designed to serve such needs.” The Commission and WLPC have negotiated the terms of the Consent Decree that terminates all investigations into the matters raised in this proceeding. As part of the Consent Decree, WLPC has agreed to make a settlement payment of Forty-Five Thousand Dollars (\$45,000) to the U.S. Treasury, and to implement and maintain a Compliance Plan designed to ensure its future compliance with the children’s programming requirements, the Commission’s public file obligations, and its license renewal application requirements as contained in the provisions of the Act and Rules noted above.

### III. TERMS OF THE AGREEMENT

8. Adopting Order. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Commission, which approval shall be evidenced by incorporation of the Consent Decree by reference in the Adopting Order.

9. Jurisdiction. WLPC agrees that the Commission has jurisdiction over it and the matters contained in this Consent Decree and that the Commission has the authority to enter into and adopt this Consent Decree.

10. Effective Date. The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission.

11. Violations. The Parties agree that any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

12. Termination of Investigation; Grant of Short-Term Renewal Application. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Commission agrees to terminate the Investigation. In consideration for the termination of the Investigation, WLPC agrees to the terms and conditions contained herein. The Commission further agrees to direct the Media Bureau to grant, absent any other restrictions, in conjunction with the adoption of this Consent Decree, the License Renewal Application, for a period of two years from the Effective Date. Grant of the License Renewal Application is conditioned on WLPC fully and timely satisfying its obligation to make a total Settlement Payment in the amount of \$45,000 in the manner specified in paragraph 14 of this Consent Decree. In exchange, WLPC agrees to implement and maintain the Compliance Plan, outlined below. The Commission further agrees that in the absence of new material evidence or failure by WLPC to satisfy the terms and conditions set forth in paragraphs 14 and 17 of the Consent Decree, it will not use the facts developed, in whole or in part, from the Investigation through the Effective Date, or the existence of this Consent Decree to institute on its own motion any inquiries, investigations, forfeiture proceedings, hearings, or other sanctions or actions against WLPC concerning the matters that were the subject of the Investigation. The Commission also agrees that in the absence of new material evidence it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against WLPC with respect to WLPC’s basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

---

<sup>18</sup> *Id.*

13. Subsequent Investigations. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by WLPC with the Communications Laws. Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints or other adjudicatory pleadings filed against WLPC for alleged violations of the Act or the Commission's rules or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaints or pleadings will be based solely on the record developed in that proceeding.

14. Settlement Payment. WLPC agrees to make a total settlement payment to the United States Treasury in the amount of Forty-Five Thousand Dollars (\$45,000), with \$10,000 due within thirty (30) calendar days after the Effective Date. WLPC agrees to make a \$5,000 payment by the first day of each calendar quarter (January 1, April 1, July 1, and October 1) until the entire Settlement Payment is satisfied, with the first quarterly payment occurring no later than July 1, 2017. WLPC acknowledges and agrees that upon execution of this Consent Decree, the Settlement Payment shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).<sup>19</sup> WLPC shall send electronic notification of payment to Evan Morris at [evan.morris@fcc.gov](mailto:evan.morris@fcc.gov) on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the FRN captioned above.<sup>20</sup> An FCC Form 159 (Remittance Advice) must be submitted with payment unless payment is made online at the Commission's Fee Filer website. When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that WLPC should follow based on the form of payment it selects:<sup>21</sup>

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

15. Waivers. WLPC waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Commission issues an Adopting Order as defined herein. WLPC shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial

<sup>19</sup> Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (1996).

<sup>20</sup> Payment may be made online at the Commission's Fee Filer website: <https://www.fcc.gov/encyclopedia/fee-filer>. Online payments do not require payors to submit FCC Form 159. Alternatively, payment may be made using FCC Form 159; detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>21</sup> Should WLPC have questions regarding payment procedures, it should contact the Financial Operations Group Help Desk by phone at 1-877-480-3201, or by e mail at [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

action to enforce the terms of the Adopting Order, neither WLPC nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and WLPC shall waive any statutory right to a trial *de novo*. WLPC hereby agrees to waive any claims it may have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 CFR § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree. Notwithstanding any provision of this Consent Decree or the Adopting Order, this Consent Decree shall be void and of no further force and effect if the condition specified in paragraph 14 is not fully and timely satisfied by WLPC.

16. Admission of Liability. WLPC admits to the facts discussed in paragraphs 3-7 regarding its failure to provide sufficient Core Programming, as defined in Section 73.671, and to meet the requirements of Sections 73.3526 of the Rules. By entering into this Consent Decree, WLPC makes no other admission of liability or violation of any law, regulation or policy, and the Commission makes no finding of any such liability or violation. Notwithstanding any other provision of this Consent Decree, it is expressly agreed and understood that if this Consent Decree, or paragraph 12 hereof, or both, are breached by the Commission, or are invalidated or modified to the signatories' prejudice by the Commission or any court, then and in that event the provisions of the immediately-preceding sentences shall be of no force or effect.

17. Compliance Plan. In recognition that WLPC's policies and practices regarding compliance with the CTA and Sections 73.671 and 73.3526 of the Rules can be enhanced to ensure compliance in the future, WLPC agrees that it will adopt and implement a compliance plan at the Station, and at any station acquired by WLPC as well as any station licensed to WLPC that becomes newly subject to the requirements of the CTA or Sections 73.671 and 73.3526 of the Rules while the Compliance Plan remains in effect. A copy of the plan is set forth below. WLPC agrees, to the extent that it has not already done so, to implement the Compliance Plan upon issuance of the Adopting Order and to keep such Compliance Plan in effect until Commission action is taken on the Station's next license renewal application, and such action has become final.

18. Invalidity. In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

19. Subsequent Rule or Order. The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which WLPC expressly consents) that provision will not be superseded by such rule or Commission order.

20. Successors and Assigns. WLPC agrees that the provisions of this Consent Decree shall be binding on its subsidiaries, affiliates, successors, assigns, and/or transferees.

21. Final Settlement. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

22. Modifications. This Consent Decree cannot be modified without the advance written consent of all Parties.

23. Paragraph Headings. The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

24. Authorized Representative. The individual signing this Consent Decree on behalf of WLPC represents and warrants that he is authorized by WLPC to execute this Consent Decree and to bind WLPC to the obligations set forth herein. The FCC signatory represents that she is signing this Consent Decree in her official capacity and that she is authorized to execute this Consent Decree.

25. Counterparts. This Consent Decree may be signed in any number of counterparts, each of which, when executed and delivered (including by pdf or facsimile), shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

**Federal Communications Commission**

By:

\_\_\_\_\_  
Marlene H. Dortch  
Secretary

\_\_\_\_\_  
Date

**WLPC, LLC**

By:

\_\_\_\_\_  
Dr. Glenn Plummer  
Chairman and CEO

\_\_\_\_\_  
Date

**COMPLIANCE PLAN OF WLPC, LLC.**

In order to ensure future compliance with the CTA, Rules, and the Act, WLPC will institute the following procedures for any television or radio station that is licensed, controlled or subsequently acquired by it. This Compliance Plan is meant to cover, but is not limited to, WLPC-CD, Detroit, Michigan. Unless otherwise provided, all terms defined in paragraph 2 of the Consent Decree apply to this Compliance Plan. The terms of this Compliance Plan shall remain in effect until Commission action is taken on the Station's next license renewal application.

1. WLPC will designate a Compliance Officer responsible for responding to employee questions, consulting with FCC Counsel regarding compliance matters, and ensuring all stations operate in compliance with the Rules and the Act, including but not limited to the CTA and Sections 73.671 and 73.3526 of the Rules.

2. The Compliance Officer will oversee, as applicable, the acquisition, production, formatting and scheduling, and/or dissemination of information, regarding educational and informational (E/I) programs, the preparation and filing of WLPC's public file documents, the maintenance of its physical and electronic public files, and the preparation and filing of all other required FCC Forms, and payment of any necessary related fees, in order to ensure compliance with the FCC's related rules and policies.

3. WLPC agrees to air on each station subject to this Compliance Plan at least four (4) hours per week of Core Programming, as defined by Section 73.671(c) of the Rules and as averaged over a six-month period, in order to satisfy its obligation under the CTA and meet the Commission's processing guideline under Section 73.671 of the Rules.

4. The Compliance Officer will conduct training for all station employees and management at least once every twelve (12) months on compliance with FCC Rules applicable to his or her duties at the station. The first training shall occur within thirty (30) days of the Effective Date. A certification that the aforementioned training has occurred shall be placed in the online electronic local public inspection file for the Station within three (3) business days.

5. The Compliance Officer will train any new employee within five (5) business days of commencement of his or her duties at the station.

6. The Compliance Officer will work with outside legal counsel on an ongoing basis to obtain guidance on FCC compliance issues, to provide regular updates and notices on developments in communications law applicable to the stations and the stations operations, and to review all applications, documents, and reports prior to filing with the FCC. In regard to the last matter, WLPC recognizes and acknowledges that any and all information provided to the FCC must completely and candidly set forth all relevant facts and circumstances, regardless of whether such submission may disclose a violation of the Rules or the Act.