

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

In re Applications of

KIFM Broadcasting, L.P. File No. BRH-900730A2

For Renewal of License of
Station KIFM(FM)
San Diego, California

Midwest Television, Inc. File Nos. BR-900731D6
BRH-900731D5

For Renewal of Licenses of
Stations KFMB(AM)/KFMB-FM
San Diego, California

Santa Monica Community File No. BRED-900726YF
College

For Renewal of License of
Station KCRW(FM)
Santa Monica, California

MEMORANDUM OPINION AND ORDER

Adopted: June 27, 1995; Released: August 16, 1995

By the Commission:

I. INTRODUCTION

1. The Commission has before it for consideration: (i) license renewal applications for the four captioned radio stations;¹ (ii) three Petitions to Deny timely filed on November 1, 1990, by the National Hispanic Media Coalition and various declarants (hereinafter "NHMC") against the above-captioned renewal applications; (iii) the licensees' oppositions to the petitions; (iv) the licensees' responses to Commission inquiries; and (v) various other pleadings.

II. BACKGROUND

2. The NHMC alleges that the challenged stations violated our EEO Rule and policies. Accordingly, they request that we conduct an investigation of the employment practices of the stations pursuant to *Bilingual Bicultural Coalition on Mass Media, Inc. v. FCC*, 595 F.2d 621 (D.C. Cir. 1978) (*Bilingual*) and designate the renewal applications for hearing.

III. PLEADINGS

3. *Standing*. In challenging an application pursuant to Section 309(d) of the Communications Act, a petitioner must demonstrate party in interest status. In addition, a petitioner must, as a threshold matter, submit "specific allegations of fact sufficient to show ... that a grant of the applications would be *prima facie* inconsistent with [the public interest, convenience, and necessity]." 47 U.S.C. §309(d)(1). *Astroline Com. Co. Ltd. Partnership v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988) (*Astroline*); *Dubuque T.V. Limited Partnership*, 4 FCC Rcd 1999 (1989). The allegations, except for those of which official notice may be taken, must be supported by the affidavit of a person with personal knowledge of the facts alleged. 47 U.S.C. §309(d)(1).

4. Timely filed with the petitions to deny were declarations under penalty of perjury from members of the NHMC, who are residents of the stations' service areas. They comply with the requirement for establishing standing for the NHMC. See *American Legal Foundation v. FCC*, 808 F.2d 84 (D.C. Cir. 1987). We find, therefore, that the challenges filed by the NHMC constitute valid petitions to deny against KIFM(FM), KFMB(AM)/KFMB-FM, and KCRW(FM).

5. *Prima Facie Case*. The NHMC derived its factual allegations from the licensee's EEO program and annual employment reports. Review of each licensee's EEO record led us initially to conclude that the NHMC presented a *prima facie* case demonstrating that unconditional grant of the renewal applications would have been inconsistent with the public interest. Section 309(d)(1) of the Communications Act, 47 U.S.C. §309(d)(1). *Astroline, supra*.² Further inquiry was therefore necessary. See *Beaumont Branch of the NAACP and the National Black Media Coalition v. FCC*, 854 F.2d 501, 506 (D.C. Cir. 1988) (*Beaumont*); *Bilingual, supra*.

6. However, subsequent review of the NHMC's EEO allegations, as well as each licensee's renewal applications, oppositions and inquiry responses, leads us to conclude that there are no substantial and material questions of fact warranting designation for a hearing. In addition, we find no evidence that any licensees engaged in discrimination. Thus, grant of the applications will serve the public interest. 47 U.S.C. §309(d)(2). *Astroline, supra*. Accordingly, we will grant renewal, but with appropriate remedies.

IV. DISCUSSION

7. Section 73.2080 of the Commission's Rules, 47 C.F.R. §73.2080, requires that a broadcast licensee refrain from employment discrimination and establish and maintain an EEO program reflecting positive and continuing efforts to recruit, employ and promote qualified women and minorities. When evaluating EEO performance, the Commission focuses on the licensee's efforts to recruit, employ and promote qualified minorities and women and the licensee's ongoing assessment of its EEO efforts. Such an assessment enables the licensee to take corrective action if qualified minorities and women are not present in the applicant pool. The Commission also focuses on any evidence of

¹ The license term ended on December 1, 1990.
² The licensees are reminded that under our EEO Rule, 47 C.F.R. § 73.2080, they have an obligation to recruit for females

and minorities for each vacancy. To the extent that the licensees' recruitment efforts were inconsistent, female, as well as minority, recruitment was affected.

discrimination by the licensee. See Sections 73.2080(b) and (c) of the Commission's Rules, 47 C.F.R. §§73.2080(b) and (c).

8. When the renewal application indicates an absence of evidence of discrimination and a record of adequate EEO efforts, the application is granted, if otherwise appropriate. When it fails to evidence a record of adequate EEO efforts, the Commission may impose a variety of remedies and sanctions, such as reporting conditions, renewal for less than a full term, forfeiture, or a combination thereof. Further, the Commission will designate the renewal application for hearing where the facts so warrant. *Amendment of Part 73 of the Commission's Rules Concerning Equal Employment Opportunity in the Broadcast Radio and Television Services*, 2 FCC Rcd 3967 (1987); see also 4 FCC Rcd 1715 (1989) (request for clarification by the National Association of Broadcasters). See e.g., *Beaumont, supra*; *Bilingual, supra*. *KIFM(FM), San Diego, CA*

9. Review of the licensee's renewal application, opposition and inquiry responses reveals that the station had six full-time hiring opportunities, including three for upper-level positions, from April 1, 1989, through September 10, 1990.³ In its renewal application, the licensee reports contacting the following general sources and receiving the cited number of minority referrals: the *San Diego Union* (12), the *Voice and Viewpoint* (0), City College (2), six other local colleges and universities (0), Refugee Resettlement (1), the Employment Development Department (2), Veteran Job Service (2), 10 other general outside sources (0) and current employees (4). The licensee also reports contacting the following minority sources and receiving the cited number of minority referrals: *La Prensa* (0), *Ahora Now* (0), the Urban League (2), and 11 other minority sources (0). In addition, the licensee states that it received one minority referral from the *San Diego Woman* and no minority referrals from three other women's organizations. The licensee asserts that it contacted at least 12 general, six minority and two women's sources for each of the six vacancies.

10. Thirty-seven (27%) of 136 applicants and 13 (34%) of 38 interviewees for the six jobs filled by the licensee were minorities. Minorities were in the applicant and interview pools for five of the six overall positions and two of the three upper-level positions. The licensee indicates that, out of a total of six hires, it hired one Black and two Hispanics, all for lower-level positions, during its tenure as licensee.⁴ The licensee states that it contacts the sources listed in its renewal application quarterly, as well as when vacancies occur. Follow-up telephone calls to the sources are made to confirm receipt of, and check the response to,

job notices. The licensee asserts that it reviews its applicant summary form quarterly to evaluate the station's outreach efforts.⁵

11. The NHMC argues that the licensee has failed to implement a legally adequate program for the employment of Hispanics and other minorities and has failed to meaningfully self-assess its program. The NHMC contends that the station's 1990 Annual Employment Report reflects serious underemployment of minorities, especially Hispanics, the dominant and fastest growing minority group in the local labor force. The NHMC also contends that the license renewal application reflects gross inadequacies in KIFM(FM)'s EEO program because the application lists a total of only nine minority referrals among all outside recruitment sources. The NHMC concludes that the licensee apparently obtained no minority referrals for many of its hiring opportunities. The NHMC argues that the licensee has not addressed its failure to employ minorities, especially Hispanics, adequately in upper-level positions. The NHMC argues that this station's record is more egregious than that of the station in *WROV Broadcasters, Inc.*, 4 FCC Rcd 6157 (1989) (*WROV*).

12. The licensee responds that the NHMC relied on insufficient information to draw generalizations and ignored relevant information. It urges that, in fact, its EEO program is exemplary. The licensee contends that the station's 1990 Annual Employment Report primarily reflects the employment record of the previous licensee, the present licensee having had less than a year for its recruitment efforts to have any impact. It argues that the NHMC ignored information in the renewal application which indicates that the licensee hired minorities for six of 11 vacancies during the renewal year,⁶ and received a total of 22 minority referrals from sources – not nine as claimed by the NHMC – during the renewal year. The licensee states that it has maintained detailed applicant flow records, and, contrary to the NHMC's argument, self-assessed its EEO program, and added more sources to its recruitment list. The licensee contends that this last claim is supported by the fact that its 1984 assignment application⁷ listed only ten recruitment sources that it proposed to contact and its 1990 renewal application listed 40 sources that it had contacted during the renewal year. It also states that the NHMC failed to respond to two letters that the licensee sent in April and September of 1990 asking if the organization would like to be added to the station's recruitment list.⁸ The licensee contends that full-time minority representation at the station has increased from 0% (no minorities) on April 1, 1989, the day it took control of the station, to 10.7% (two Hispanics and one Asian/Pacific Islander) as of October 31, 1990.

³ The San Diego, California Metropolitan Statistical Area (MSA) is 43.6% female and 22.6% minority (4.5% Black, 13.4% Hispanic, 4.1% Asian/Pacific Islander and .6% American Indian). The station's 1990 Annual Employment Report lists 16 females (55.2%) and two minorities (one Hispanic and one Asian/Pacific Islander) (6.9%) on an overall staff of 29, and ten females (43.5%) and one Asian/Pacific Islander (4.3%) on an upper-level staff of 23. The licensee took control of the station on April 1, 1989.

⁴ In addition to the above-mentioned hires, the licensee asserts that it offered an upper-level position to an Asian/Pacific Islander but she declined the offer. In addition, the licensee indicates that it hired an Asian/Pacific Islander, who was work-

ing as an intern at the station, for a part-time upper-level position and later promoted him to full-time.

⁵ The applicant summary form includes information on the date of hire, position applied for, and the race, gender, and referral sources of an applicant.

⁶ These figures reflect full and part-time hires combined.

⁷ The licensee filed its assignment application in 1984 after the former licensee had been denied renewal of license in a hearing. Due to that licensee's appeals of the decision and the appointment of an interim licensee, the present licensee did not take control of the station until April 1, 1989.

⁸ The licensee attached copies of these letters to its opposition.

13. The licensee argues that its EEO record is better than that of the licensee in *WROV, supra*. We agree. The licensee of *WROV* used recruitment sources for only seven of 65 full-time vacancies and used only three recruitment sources sporadically. In addition, there was no indication that the licensee engaged in analysis of its EEO efforts. In contrast, the licensee of *KIFM(FM)* states that it uses its recruitment list for every opening, maintains detailed records of the results of its EEO program and continually updates its list of recruitment sources.

14. There are no substantial and material questions of fact to warrant designation for hearing. *Astroline, supra*. Moreover, there is no evidence that the licensee engaged in employment discrimination. The licensee contacted recruitment sources, including minority organizations, for every vacancy; attracted minority applicants for all but one vacancy; hired minorities for 50% of its positions; and kept complete records of its EEO efforts. Therefore, we will grant renewal unconditionally.

KFMB(AM)/KFMB-FM, San Diego, CA

15. Review of the licensee's renewal application and consolidated opposition/inquiry response reveals that the stations had 14 full-time hiring opportunities, including 11 for upper-level positions, from July 15, 1987, through October 1, 1990.⁹ In its renewal application, the licensee indicates that it contacted the following general sources, receiving the cited number of minority referrals: the *San Diego Voice and Viewpoint* (0), eight local universities and colleges (10), Regional Occupational Program (0), the NAB Job Bank (0), employees (3), competing stations (5), trade papers (1), *Radio and Records Magazine* (7), word of mouth, walk-ins, etc. (7). The licensee also claims that it contacted the following minority and women's sources and received the cited number of minority referrals: *Asian American Times* (0), *El Sol de San Diego* (0), *La Prensa* (0), the Chicano Federation of San Diego (2), nine other minority organizations (0) and three women's organizations (0). The licensee indicates in its inquiry response that it also contacted the Veterans Administration Job Service, the MAAC Project, and the CBA Job Bank during the license term. The licensee states that it contacted at least 19 general, ten minority and three women's sources for each of five of its 14 vacancies and at least 19 general, one women's and three minority sources for each of five additional vacancies. The licensee did not actively recruit for the remaining four vacancies. The licensee notes that it did not

recruit for three of the four positions because it was hiring unique broadcast talents: two morning announcers and a producer. It contends that these individuals were hired because they were available, not to fill any specific vacancy. We note that the producer hired was an Asian male. For the remaining position, the licensee gives no explanation for failing to actively recruit.

16. The licensee did not know the number, race or gender of interviewees for three positions. The licensee states that, except for one of the remaining positions, all applicants were interviewed. Regarding that one position, the licensee states that it did not record the race of the applicants. For the ten positions with applicant data, 38 of the 150 applicants were minority (13 Blacks, 23 Hispanics and two Asian/Pacific Islanders) and minorities were in the applicant pool for six of the ten positions. For the 11 positions with interview data, 46 of the 171 interviewees were minority (17 Blacks, 24 Hispanics and five Asian/Pacific Islanders) and minorities were in the interview pool for seven of the 11 positions. The licensee hired one Black for a lower-level position, and two Asian/Pacific Islanders, one Black, and one Hispanic for upper-level positions, out of the 14 positions filled during the period under review.

17. In its renewal application, the licensee describes several scholarships that it provides annually for certain local colleges and universities including three scholarships at San Diego City College that are specifically designated for the professional training of women and minority community members pursuing degrees in telecommunications, journalism or electronics. The scholarships may include part-time employment at the stations if it is available. The licensee also includes the stations' current list of recruitment sources, which includes 20 general, 11 minority, and three women's sources and which it states is periodically reviewed, with new sources added and unproductive sources deleted.

18. The NHMC argues that the licensee failed to implement a legally adequate program for the recruitment of Hispanics and other minorities and failed to meaningfully self-assess its program. The NHMC argues that the 1990 Annual Employment Report reflects serious underemployment of minorities, especially Hispanics. It states that the licensee's application lists no minorities promoted, no minority referrals from local media sources, and only two minority referrals from 16 local minority and women's organizations during the renewal year. The

⁹ The San Diego, California MSA is 43.6% female and 22.6% minority (4.5% Black, 13.4% Hispanic, 4.1% Asian/Pacific Islander and .6% American Indian). The stations' 1984 Annual Employment Report lists 19 females (35.2%) and five minorities (two Blacks and three Hispanics) (9.3%) on an overall staff of 54 and 12 females (27.3%) and five minorities (11.4%) on an upper-level staff of 44. In 1985, 21 females (37.5%) and five minorities (one Black and four Hispanics) (8.9%) were employed on the stations' overall staff of 56 and 12 females (28.9%) and four Hispanics (8.9%) were employed on an upper-level staff of 45. In 1986, the stations employed 19 females (35.8%) and six minorities (two Blacks and four Hispanics) (11.3%) on an overall staff of 53 and 11 females (25.0%) and five minorities (one Black and four Hispanics) (11.4%) on an upper-level staff of 44. In 1987, the stations employed 20 females (37.7%) and five minorities (one Black and four Hispanics) (9.4%) on an overall staff of 53 and 13 females (29.5%) and five minorities (11.4%) on an upper-level staff of 44. In 1988, the stations employed 20 females (35.7%) and five minorities (one Black and four

Hispanics) (5.9%) on an overall staff of 56 and 11 females (25.6%) and five minorities (11.6%) on an upper-level staff of 43. In 1989, the stations employed 25 females (41.0%) and five minorities (one Black and four Hispanics) (8.2%) on an overall staff of 61 and 17 females (34.7%) and five minorities (10.2%) on an upper-level staff of 49. The stations 1990 Annual Employment Report indicates that, as of March of that year, the stations employed 24 females (40.7%) and seven minorities (two Blacks, four Hispanics, and one Asian/Pacific Islander) (11.9%) on an overall staff of 59 and 15 females (32.6%) and six minorities (one Black, four Hispanics and one Asian/Pacific Islander) 13.0% on an upper-level staff of 46. The licensee indicated in its opposition/inquiry response that, as of November 1990, it employed 26 females (41.3%) nine minorities (three Blacks, four Hispanics and two Asian/Pacific Islanders) (14.3%) on an overall staff of 63 and 18 females (36.0%) and eight minorities (two Blacks, four Hispanics and two Asian/Pacific Islanders) (16.0%) on an upper-level staff of 50.

NHMC argues that the licensee has not proposed reforms to its inadequate minority recruiting program. The NHMC also argues that this station's record is more egregious than that of the station in *WROV, supra*.

19. In response, KFMB(AM)/KFMB-FM contends that it has a healthy and vigorous EEO program which has been administered in good faith and in compliance with Commission rules and policies. It argues that the NHMC's conclusions are based on a highly selective and incomplete statistical analysis, at best, and, at worst, misleading conclusions. In response to the NHMC's argument that the licensee did not promote any minorities during the renewal year, the licensee points out that it promoted only one individual during that period. In response to the NHMC's argument that the licensee received few minority referrals during the renewal year from certain sources, the licensee points out that the other sources listed on the renewal application yielded 33 minority referrals during the renewal year. Regarding self-assessment, the licensee states that, in March 1989, it took certain steps to improve its EEO program, including the establishment of a management level EEO committee to review the hiring procedures for all openings and the implementation of a system to consistently update the recruitment list. The licensee contends that its employment of minorities has increased over the license term due in large part to the licensee's monitoring and adapting its EEO program to ensure continued progress.¹⁰

20. There are no substantial and material questions of fact to warrant designation for a hearing. *Astroline, supra*. Moreover, there is no evidence that the licensee engaged in employment discrimination. The licensee contacted recruitment sources, including minority organizations, received minority referrals, interviewed minority applicants and hired minorities for overall and upper-level positions. Therefore, we find that renewal of the licenses is in the public interest. We find that, contrary to the NHMC's argument, the EEO record in this case is less egregious than that of the station in *WROV, supra*. The licensee in this case contacted a large number of recruitment sources for most of its vacancies and engaged in self-assessment of its EEO program. However, the licensee failed to actively recruit or maintain applicant data for every opening. Accordingly, we caution the licensee to contact sources likely to refer qualified minority applicants when vacancies occur and to maintain complete applicant flow records.

KCRW(FM), Santa Monica, CA

21. Review of the licensee's renewal application and consolidated opposition/inquiry response reveals that the station had five full-time hiring opportunities,¹¹ all for upper-level positions, from July 1, 1987, through June 30,

1990.¹² According to its renewal application, the licensee contacted, but received no minority referrals from, the following sources: four local print and broadcast media outlets, "[a]ll Community Colleges and universities in California" and "200+ community agencies, including women's, minority, disabled, and senior citizen organizations." The licensee states that it contacted these sources, which included 95 minority organizations, for all five full-time hires occurring during the period under review.

22. Thirty-eight out of 130 applicants for the five positions were minorities (25 Blacks, six Hispanics and seven Asian/Pacific Islanders), and six out of 33 interviewees were minorities (five Blacks and one Asian/Pacific Islander).¹³ Minorities were in the applicant pool for all five vacancies and in the interview pool for four of the five vacancies. The licensee hired one Asian/Pacific Islander for an upper-level position out of five positions filled during the three year period under review.

23. The NHMC contends that the licensee failed to implement a legally adequate program to employ Hispanics and other minorities and failed to meaningfully self-assess its inadequate EEO program. The NHMC asserts that the station's Annual Employment Reports during the license term reflect serious underemployment of minorities and argues that the licensee's failure to employ any Hispanics, the dominant and fastest-growing minority group in Los Angeles, raises a *prima facie* case of discrimination. It also argues that the licensee's renewal application reflects manifest inadequacies in the licensee's EEO program because the application lists no minority referrals from local media, schools, or minority/women's organizations. The NHMC contends that the licensee proposed no reforms to its program despite the failure of existing sources to produce minority applicants. The NHMC also argues that this station's record is more egregious than that of the station in *WROV, supra*.

24. In response, the licensee states that, like many public radio stations, it has a limited budget and many of its administrative services, including personnel, are performed by the College administration. In addition, the licensee points out that the station is relatively small, with only 12 full-time permanent employees and very little turnover. Moreover, the Santa Monica College District's formal hiring procedures, which included contacting 95 minority agencies, of which 27 are Hispanic, were followed for every opening.¹⁴ The station argues that it received a significant number of minority referrals as a result of these contacts. The licensee acknowledges that it has had difficulty recruiting and hiring Hispanics, but points out that it has taken steps to improve its record in this respect. After the reporting period but before the petition to deny was filed, the licensee appointed an Hispanic as Acting Music Assistant,

¹⁰ The licensee correctly points out that the employment figures cited by the NHMC as being from the stations' 1990 Annual Employment Report were actually from the stations' 1989 Report.

¹¹ The licensee indicates that it filled only temporary positions during the renewal year.

¹² The Los Angeles-Long Beach, California MSA is 41.9% minority (10.8% Black, 24.4% Hispanic, 6.1% Asian/Pacific Islander and .6% American Indian). The stations 1984 and 1985 Annual Employment Reports list three females (37.5%) and one Black (12.5%) on an overall and upper-level staff of 8. In 1986 and 1987, the station employed three females (33.3%) and one Black (11.1%) on an overall and upper-level staff of 9. In 1988,

the station employed four females (40.0%) and one Black (10.0%) on an overall and upper-level staff of 10. In 1989 and 1990, the station employed six females (50.0%) and two minorities (one Black and one Asian/Pacific Islander) (16.7%) on an overall and upper-level staff of 12.

¹³ The licensee indicates that the race of one interviewee was unknown.

¹⁴ In its opposition, the licensee attaches a copy of Santa Monica Community College's Affirmative Action Plan. The plan provides that "[a]ll permanent positions shall be advertised by the Personnel Department and numerous sources shall be contacted to assist in developing a diverse applicant pool."

an upper-level position. As of February 27, 1991, this position was made permanent and filled by an Hispanic. The licensee is also in the process of creating a new position, Community Affairs Producer. For that position, the licensee has indicated that it intends to contact Hispanic referral sources, send recruiters to a Job Conference, which is co-sponsored by an Hispanic organization, and put together a group of Hispanic journalists to assist the station in identifying and recruiting promising Hispanic candidates.

25. There are no substantial and material questions of fact to warrant designation for hearing. *Astroline, supra*. We find no evidence of employment discrimination. The station did contact minority sources, attract minority applicants and hire a minority for an upper-level position. Therefore, we find that renewal is in the public interest. We find that, contrary to the NHMC's argument, the EEO record in this case is less egregious than that of the station in *WROV, supra*. The licensee in this case contacted a wide variety of sources, including minority sources, for every opening, and employed minorities in upper-level positions throughout the license term. However, we are concerned regarding the licensee's efforts towards Hispanics because the licensee states that it began taking steps to improve its poor record recruiting Hispanics only after its 1990 renewal application was filed. In order to monitor the licensee's efforts in this regard and ensure that they continue, we therefore renew the license subject to reporting conditions.

V. CONCLUSION

26. After reviewing the record before us, we find that no hearings are warranted and the renewal applications of KIFM(FM), KFMB(AM)/KFMB-FM, and KCRW(FM) should be granted. However, the renewal application of KCRW(FM) will be granted subject to reporting conditions.

VI. ORDERING CLAUSES

27. IT IS FURTHER ORDERED that the Petitions to Deny filed by the NHMC against the renewal applications for stations KIFM(FM), KFMB(AM)/KFMB-FM, and KCRW(FM) ARE DENIED.

28. IT IS FURTHER ORDERED that the license renewal application filed by KIFM Broadcasting, L.P. for Station KIFM(FM) IS GRANTED.

29. IT IS FURTHER ORDERED that the license renewal applications filed by Midwest Television, Inc. for Stations KFMB(AM)/KFMB-FM ARE GRANTED.

30. IT IS FURTHER ORDERED that the license renewal application filed by Santa Monica Community College for Station KCRW(FM) IS GRANTED subject to reporting conditions as described herein.

31. IT IS FURTHER ORDERED that the licensee of KCRW(FM) submit to the Commission an original and one copy of the following information on August 1, 1996, and August 1, 1997:

(a) For each report, make two lists divided by full-time and part-time vacancies during the 12 months preceding the respective reporting dates, indicating the job title and FCC job category of the position, the race or national origin, sex and the referral source of each applicant for each and the race or national origin and sex of the person hired. The lists should also note which recruitment sources were contacted;¹⁵

(b) A list of employees as of the July 1, 1996, payroll period for the first report and as of the July 1, 1997, payroll period for the second report by job title and FCC job category indicating full-time or part-time status (ranked from highest paid classification), date of hire, sex and race or national origin; and

(c) Details concerning the station's efforts to recruit minorities for each position filled during the 12-month period specified, including identification of sources used and indicating whether any of the applicants declined actual offers of employment. In addition, the licensee may submit any relevant information with regard to the station's EEO performance and efforts thereunder.

32. IT IS FURTHER ORDERED that the Mass Media Bureau send by Certified Mail - Return Receipt Requested - copies of this *Memorandum Opinion and Order* to all parties.

33. The reports are to be filed with the Acting Secretary of the Commission to the attention of the Mass Media Bureau's EEO Branch. Should the parties have any questions regarding this action, they may telephone the Mass Media Bureau's EEO Branch (202-632-7069).

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

¹⁵ Such a list might start:

(1) News Director; Officials and Managers:

3 Applicants:	1 White female	A.W.R.T.
	1 Black male	Urban League
	1 Black female	NAACP

Sources Contacted: Local Newspaper,
A.W.R.T., Urban League, and NAACP
Selected: Black male (03/15/94); Urban League