



Federal Communications Commission  
Washington, D.C. 20554

April 26, 2018

*In Reply Refer to:*  
1800B3-HOD

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Paul S. Park  
Cesar Chavez Foundation  
29700 Woodford Tehachapi Road  
PO Box 62  
Keene, CA 93531

In re: **Cesar Chavez Foundation**  
KUFW(FM), Woodlake, CA  
Facility ID No. 21210

Dear Sir:

As you are aware, Cesar Chavez Foundation (CCF) entered into a Consent Decree with the Media Bureau (Bureau) in 2016.<sup>1</sup> The Consent Decree resolved the Bureau's investigation into violations of the law and rules governing underwriting announcements at KUFW(FM) (Station), CCF's noncommercial educational (NCE) FM station licensed to Woodlake, California. As part of the Consent Decree, CCF agreed to cease NCE operations in the Woodlake, California area, either by divesting the Station or by swapping it for an Educational Media Foundation (EMF) station KVPW(FM), Kingsburg, California. In its interactions with the Bureau, CCF acknowledged that EMF operates KVPW(FM) as an NCE FM station but noted that KVPW(FM) operates in the non-reserved band and indicated that it would operate the station on a commercial basis.<sup>2</sup>

On August 15, 2016, CCF and EMF filed assignment applications with the Commission which, when granted, would permit the station swap with EMF that is referenced in the Consent Decree. In order to operate KVPW(FM) as a commercial station, CCF is required to file an

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<sup>1</sup> *Cesar Chavez Foundation*, Order, 31 FCC Rcd 7578 (MB 2016) (*Order*), *aff'd Cesar Chavez Foundation*, Memorandum Opinion and Order, FCC 18-48 (rel. April 18, 2018) (*MOO*).

<sup>2</sup> *Order* at Consent Decree, para. 13 ("Licensee represents that it has reached an agreement with Educational Media Foundation to swap the Station for KVPW(FM), Kingsburg, California.... Subject to receiving any necessary prior Commission approval (which Licensee agrees to use its best efforts to obtain), Licensee agrees to assign the Station's license to Educational Media Foundation or otherwise divest the Station no later than six (6) months after the Effective Date."); *MOO*, FCC 18-48, at para. 6.

application to convert the station license to commercial status on FCC Form 302-FM.<sup>3</sup> To date, however, CCF has not filed an application to convert KVPW(FM) from NCE to commercial operations. This application must be filed and granted prior to or concurrent with Commission action on the assignment applications filed by CCF and EMF.

CCF's cessation of NCE operations in the Woodlake, California, area is a key component of the Consent Decree.<sup>4</sup> Indeed, had it not been for CCF's commitment to cease such operations, the Bureau would have required a compliance plan as part of the Consent Decree.<sup>5</sup> To ensure CCF's compliance with this aspect of the Consent Decree, we hereby direct it to file an application on FCC Form 302-FM to convert KVPW(FM) from NCE to commercial status and to do so within thirty (30) days of the date of this letter. The failure to do so, and the failure timely to consummate the station swap once the assignment applications have been granted by the staff, may be deemed a violation of the Consent Decree and may subject CCF to further sanction, including an additional monetary forfeiture or such other measures as the Bureau deems appropriate.

Sincerely,

A handwritten signature in blue ink, appearing to read "Albert Shuldiner", with a long horizontal flourish extending to the right.

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

cc: Brad C. Deutsch, Esq.

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<sup>3</sup> See 47 CFR § 73.1690(c)(9).

<sup>4</sup> See *MOO*, FCC 18-48, at para. 4 (“[t]he Consent Decree requires CCF to divest the station.”). We note that, on February 1, 2018, the Commission’s Enforcement Bureau entered into an additional consent decree with CCF regarding additional and continuing underwriting violations, under which CCF is paying a \$115,000 civil penalty and must implement an “Underwriting Compliance Plan” that will remain in effect for four years. *Cesar Chavez Foundation*, DA 18-74 (EB Feb. 1, 2018) (EB Consent Decree). The two consent decrees are independent Commission actions, and the issuance of the EB Consent Decree does not supersede or excuse compliance with the terms of and commitments made in the Consent Decree adopted in the *Order*.

<sup>5</sup> *Order*, 31 FCC Rcd at 7578 n.3.