

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

In the Matter of )
)
Applications for Renewal of Licenses and ) Account No. 201841420006
Compliance with the Children’s Television Act of )
1990, as implemented by Section 73.671; and )
Section 73.3526(e)(11)(iii) of the Commission’s )
Rules<sup>1</sup> )
)
NBC Telemundo License LLC ) File Nos. BRC DT-20150202ACH et al.
) Facility ID Nos. 47535 et al.
) FRN 0019509470
)
Telemundo Las Vegas License LLC ) File No. BRC DT-20140602BAW
) Facility ID No. 63768
) FRN 0012852398
)
Telemundo of Puerto Rico ) File Nos. BRC DT-20121001AWF and
) BRCT-20040930BSW
) Facility ID No. 64983
) FRN 0003727880
)
Station Venture Operations, LP ) File Nos. BRC DT-20140801AJN et al.
) Facility ID Nos. 35277 and 49330
) FRN 0003593860

ORDER

Adopted: December 31, 2018

Released: December 31, 2018

By the Commission: Commissioner O’Rielly issuing a statement; Commissioner Rosenworcel concurring.

1. In this Order, we adopt the attached Consent Decree entered into between the Commission and NBC Telemundo License LLC, Telemundo Las Vegas License LLC, Telemundo of Puerto Rico, and Station Venture Operations, LP (collectively, NBC/Telemundo) and we grant the above-captioned renewal applications, conditioned on execution of the Consent Decree. The Consent Decree resolves an investigation into whether the stations listed in the Attachment to the Consent Decree (collectively, Stations) served the educational and informational needs of children as required by the Children’s Television Act of 1990 (CTA),<sup>2</sup> and satisfied related filing requirements. Specifically, the Consent Decree resolves issues concerning NBC/Telemundo’s compliance with the: (1) children’s television programming obligations under the CTA, as implemented by Section 73.671 of the Commission’s rules (Rules)<sup>3</sup> and (2) Section 73.3526(e)(11)(iii) of the Rules, which requires each commercial and Class A broadcast licensee to prepare and place in its local public inspection file on a quarterly basis Children’s Television Programming Reports containing certain substantive information

<sup>1</sup> The stations listed in the Attachment to the Consent Decree are subject to this Order.

<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 § 73.671.

regarding, among other things, the efforts it made during that quarter to serve the educational and informational needs of children.<sup>4</sup>

2. As required by the CTA, we have considered whether NBC/Telemundo has served the educational and informational needs of children through the licensee's overall programming, including by evaluating the programming aired by the Stations that was specifically designed to serve such needs as well as other non-broadcast efforts. While we find that NBC/Telemundo has failed to satisfy the requirements of our processing guidelines, we find that the public interest is served by adopting the Consent Decree and the terms of the Compliance Plan included within the Consent Decree.<sup>5</sup> Further, after reviewing the record before us, we find that the Consent Decree contains appropriate terms and conditions that will facilitate NBC/Telemundo's compliance with the CTA, as implemented by Section 73.671 of the Rules, and Section 73.3526(e)(11)(iii) of the Rules.<sup>6</sup> Accordingly, pursuant to Section 309(k)(2) of the Communications Act of 1934, as amended (Act),<sup>7</sup> we direct the Media Bureau to grant the license renewal applications listed in the Attachment to the Consent Decree and renew the Stations' licenses for a full term conditioned on execution of the Consent Decree, provided that there are no other impediments to granting the applications and conditioned upon NBC/Telemundo's timely satisfaction of its obligations to pay to the U.S. Treasury Four Hundred and Ninety-Five Thousand Dollars (\$495,000), as specified in paragraph 16 of the Consent Decree. NBC/Telemundo also agrees, as specified in paragraph 19 of the Consent Decree, to implement a Compliance Plan to help ensure future compliance with the CTA and the Commission's related programming and filing rules. In light of the foregoing and our finding that grant of the renewal applications is warranted under Section 309(k)(2) because the Consent Decree contains appropriate terms and conditions, we need not determine whether NBC/Telemundo has committed "serious violations" of our rules or violations that constituted a pattern of abuse for purposes of Section 309(k)(1) of the Act.<sup>8</sup> We also find that there are no substantial or material questions of fact as to NBC/Telemundo's qualifications to remain a Commission licensee.

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<sup>4</sup> 47 CFR § 73.3526(e)(11)(iii).

<sup>5</sup> The investigation included a review of the Stations' Children's Television Programming Reports, including their accuracy, timeliness, and total core programming reported. The investigation also included a review of NBC/Telemundo's compliance with the Core Programming condition of the *Comcast-NBC Merger Order*. See *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses and Transfer Control of Licensees*, Memorandum Opinion and Order, 26 FCC Rcd 4238, 4374-75 (2011) (committing to air for three years one additional hour per week of Core Programming over the primary channels of all Telemundo O&Os, and over either the primary or the multicast channels of all NBC O&Os). The Media Bureau found no instances of non-compliance with the condition.

<sup>6</sup> See *In the Matter of Policies and Rules Concerning Children's Television Programming; Revision of Programming Policies for Television Broadcast Stations*, Report and Order, 11 FCC Rcd 10660, 10724-25, para. 136 (1996) (considering use of a "promise versus preference" approach in the event a licensee fails to meet the requirements of the CTA or Section 73.671 of the Rules. Under such a prospective remedy, a licensee would detail its plan for coming into full compliance with its children's programming obligations and if the plan meets with Commission approval, the station's license would be renewed on the condition that the licensee adheres to the plan, absent special circumstances).

<sup>7</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 this chapter or the rules and regulations of the Commission; and (C) there have been no other violations by the licensee of this chapter or the rules and regulations of the Commission 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 "... or grant the application on terms and conditions as are appropriate..." 47 U.S.C. § 309(k)(2).

<sup>8</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

(continued...)

3. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 309(k)(2) of the Communications Act of 1934, as amended,<sup>9</sup> the attached Consent Decree **IS ADOPTED**, and its terms incorporated by reference.

4. **IT IS FURTHER ORDERED** that the Commission's investigation into the matters discussed above **IS TERMINATED**.

5. **IT IS FURTHER ORDERED** that, pursuant to Section 309(k)(2) of the Act,<sup>10</sup> the Media Bureau is directed to grant the above-captioned license renewal applications conditioned on execution of the Consent Decree, provided that there are no other impediments to granting the applications, and as conditioned herein.

6. **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 each Licensee's address of record in the Commission's Licensing and Management System and to their counsel: David Solomon, Esq., Wilkinson Barker Knauer, LLP, 1800 M St., NW, #800N, Washington, D.C. 20036.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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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)"); *See also Citadel Broad. Co. WWVZ(FM), Summerville, S. Carolina, et al.*, 22 FCC Rcd. 7083, 7094 & n.60 (2007) (concluding that there is no need to determine whether licensee committed any serious violations or violations amounting to a pattern of abuse because the consent decree contained appropriate terms and conditions).

<sup>9</sup> 47 U.S.C. §§ 154(i) and 309(k)(2).

<sup>10</sup> 47 U.S.C. § 309(k)(2).

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Station Venture Operations, LP	)	File Nos. BRC DT-20140801AJN et al.
	)	Facility ID Nos. 35277 and 49330
	)	FRN 0003593860

**CONSENT DECREE**

1. The Federal Communications Commission (Commission) and NBC Telemundo License LLC, Telemundo Las Vegas License LLC, Telemundo of Puerto Rico, and Station Venture Operations, LP (collectively, NBC/Telemundo), the licensees of the 28 broadcast television stations identified in the Attachment to this Consent Decree, hereby enter into this Consent Decree for the purpose of resolving the Commission’s investigation into NBC/Telemundo’s compliance with the Children’s Television Act of 1990,<sup>1</sup> as implemented by Section 73.671 of the Commission’s rules (Rules)<sup>2</sup> and related filing requirements under Section 73.352(e)(11)(iii) of the Rules.<sup>3</sup> The Consent Decree also facilitates the grant of all pending license renewal applications.

**I. DEFINITIONS**

2. For the 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) “Adopting Order” means the Order of the Commission adopting the terms of this Consent Decree without change, addition, deletion, or modification.

<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.

<sup>3</sup> 47 CFR § 73.3526(e)(11)(iii).

- c) “Annual Preemption Request” means the written notice filed annually with the Media Bureau regarding the NBC Network’s preemption plans. *See Children’s Television Obligations of Digital Television Broadcasters*, Second Report and Order on Reconsideration and Second Report and Order, 21 FCC Rcd 11065, 11076, para. 28 (2006).
- d) “Bureau” or “Media Bureau” means the Media Bureau of the Federal Communications Commission.
- e) “Children’s Television Programming Reports” or “Reports” means the report (FCC Form 398) required to be filed with the Commission under 47 CFR § 73.3526(e)(11)(iii) of the Rules.
- f) “Children’s Television Programming Rules” means the provisions of 47 CFR §§ 73.671 and 73.3526(e)(11)(iii) and the Commission’s published orders, policies, guidelines, and associated filing requirements.
- g) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.
- h) “Communications Laws” means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission including but not limited to the Children’s Television Programming Rules.
- i) “Core Programming” or “Core Program(s)” means programming specifically designed to serve the educational and informational needs of children, as defined by the CTA and 47 CFR § 73.671 of the Rules.
- j) “Core Processing Guidelines” means the standard by which Bureau staff, pursuant to 47 CFR § 73.671, evaluates whether a broadcast television station has met its children’s television programming obligation under the CTA.
- k) “CTA” means the Children’s Television Act of 1990, Pub L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. § 303b, *provided, however, that* subsection (a)(1) of 47 U.S.C. § 303b is excluded from the definition of “CTA” for purposes of this Consent Decree.
- l) “Effective Date” means the date on which the Commission releases the Adopting Order.
- m) “Investigation” means the investigation of NBC/Telemundo’s compliance with the CTA and Children’s Television Programming Rules.<sup>4</sup>
- n) “License Renewal Applications” means the license renewal applications filed by NBC/Telemundo for the 2004-2007 and 2012-2015 license renewal cycles that remain pending before the Commission, as identified in the Attachment.
- o) “NBC/Telemundo” or “Licensees” means NBC Telemundo License LLC, Telemundo Las Vegas License LLC, Telemundo of Puerto Rico, Station Venture Operations, LP and all their subsidiaries, affiliates, successors, assigns, and/or transferees, collectively, and/or any entity under common control; *provided, however, that* “NBC/Telemundo” or “Licensees” shall not include assignees or transferees that become unrelated to or

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<sup>4</sup> The investigation also included a review of NBC/Telemundo’s compliance with the Core Programming condition of the *Comcast-NBC Merger Order*. *See Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses and Transfer Control of Licensees*, Memorandum Opinion and Order, 26 FCC Rcd 4238, 4374-75 (2011) (committing to air for three years one additional hour per week of Core Programming over the primary channels of all Telemundo O&Os, and over either the primary or the multicast channels of all NBC O&Os). The Bureau found no instances of non-compliance with the condition.

unaffiliated with NBC/Telemundo as a result of an assignment or transfer following the release of this Consent Decree and associated Order.

- p) "Parties" means NBC/Telemundo and the Commission each of which is a "Party."
- q) "Public File" refers to the documents that a Class A and commercial broadcast station is required to maintain as part of its local public inspection file, as required by 47 CFR § 73.3526.
- r) "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.
- s) "Stations" means the broadcast television stations identified in the Attachment.

## II. BACKGROUND

3. The issues raised in the Investigation stem from the Bureau's review of the License Renewal Applications for the Stations during the 2012-2015 license renewal cycle, as well as the 2004-2007 license renewal cycle. As of the Effective Date, 23 of the Stations have pending License Renewal Applications.<sup>5</sup> In a number of the pending License Renewal Applications, NBC/Telemundo disclosed that it failed to air sufficient amounts of Core Programming as required by Section 73.671 of the Rules, and also disclosed that, in a few instances, it failed to timely file Children's Television Programming Reports. In addition, in connection with the preparation of its renewal applications, NBC/Telemundo reviewed and corrected a number of Children's Television Programming Reports. In light of these facts, starting in 2015, Bureau staff undertook a comprehensive review of the Stations' Reports. As part of this review, Bureau staff discovered additional errors and omissions in the Reports.<sup>6</sup>

4. As discussed in greater detail below, the Commission has established processing guidelines by which Bureau staff must evaluate compliance with the CTA (*i.e.*, Core Processing Guidelines). Bureau staff is required to refer to the Commission any license renewal application that it finds does not meet the Core Processing Guidelines. Bureau staff has determined that certain Stations have not satisfied the Core Processing Guidelines and, as such, the Bureau has referred the matter to us. We will also address the issue pertaining to NBC/Telemundo's reporting deficiencies identified in the Investigation and the pending License Renewal Applications for those stations that do not have Core Programming shortfalls.

5. Core Programming Shortfalls. The CTA, as implemented by Section 73.671 of the Rules, requires – during its review of any license renewal application – that the Commission consider the extent to which a licensee has served the educational and informational needs of children through the licensee's overall programming, including programming specifically designed to serve such needs, as well as other special efforts.<sup>7</sup> Programming specifically designed to serve the educational and informational needs of children is defined by the Rules as "Core Programming."<sup>8</sup> The Commission's

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<sup>5</sup> There are a total of 35 pending license renewal applications. All 23 Stations have pending license renewal applications for the 2012-2015 license renewal cycle and 12 of those Stations have a pending license renewal application from the 2004-2007 license renewal cycle.

<sup>6</sup> Bureau staff limited its review to Children's Television Programming Reports filed during each Station's current license term. In the case of some Stations with pending license renewals dating back to the 2004-2007 license renewal cycle, that would include Reports dating back to 1997 (the first year that such reports were required to be filed).

<sup>7</sup> See 47 CFR § 73.671(a)(1).

<sup>8</sup> To qualify as Core Programming, a program must satisfy the following seven criteria: (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  
(continued....)

Core Processing Guidelines require that a licensee air at least three hours of Core Programming per week, as averaged over a six-month period, for a station's main program stream.<sup>9</sup> Broadcasters that choose to provide supplemental digital streams of free video programming have an increased Core Programming benchmark that is proportional to the additional amount of free video programming they choose to provide via such multicast streams.<sup>10</sup> Bureau staff shall approve the CTA portion of any license renewal application where the licensee demonstrates that it has met these processing guidelines.<sup>11</sup> Bureau staff may also deem a licensee to have satisfied its children's television programming 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>12</sup> To ensure that a licensee has aired a sufficient amount of Core Programming during a license term, Bureau staff looks not only at the certifications made in a station's license renewal application, but also at the information in the station's Children's Television Programming Reports. Under Section 73.671 of the Rules, Bureau staff is required to refer license renewal applications of licensees that do not meet the Core Processing Guidelines to the Commission, where the licensees have a full opportunity to demonstrate compliance with the CTA.<sup>13</sup>

6. After an extensive review of the record, Bureau staff has concluded that certain of the Stations failed to meet the Commission's Core Processing Guidelines. This failure was a result of preemptions of certain children's television programming caused by coverage of sporting events. While the Commission does provide network-affiliated stations flexibility to reschedule preempted children's

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to educate and inform children through the on-screen display of the E/I symbol throughout the program; (6) the educational and informational 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. 47 CFR § 73.671(c).

<sup>9</sup> 47 CFR § 73.671(e)(1).

<sup>10</sup> Specifically, digital broadcasters must provide one-half hour per week of additional Core Programming for every increment of one to 28 hours of free video programming provided in addition to that provided on the main program stream. 47 CFR § 73.671(e)(2). Broadcasters are permitted to air all of their additional digital Core Programming on either one free digital video channel or distribute it across multiple free digital video channels, at their discretion, as long as the stream on which the Core Programming is aired has comparable carriage on MVPDs as the stream triggering the additional Core Programming obligation. 47 CFR § 73.671(e)(2)(i). At least 50 percent of Core Programming on multicast streams cannot consist of program episodes that had already aired within the previous seven days on either the station's main program stream or on another of the station's free digital program streams. 47 CFR § 73.671(e)(2)(ii).

<sup>11</sup> 47 CFR §§ 73.671(e)(1). The Commission permits network-affiliated licensees to reschedule children's programs – and still have those programs count towards that licensee's Core Programming requirements – if the program is aired in a fixed substitute time slot of the station's choice (known as a "second home") and the station provides an on-air notification of the schedule change at the time of preemption. All networks requesting preemption flexibility must file a request with the Bureau by August 1 of each year stating the number of preemptions the network expects, when the program will be rescheduled, whether the rescheduled time is the program's second home, and the network's plan to notify viewers of the schedule change. Non-network stations are presumed to be complying with the Core Processing Guidelines and do not need broad preemption relief. *Children's Television Obligations of Digital Television Broadcasters*, Second Report and Order on Reconsideration and Second Report and Order, 21 FCC Rcd 11065, 1076-77, para. 28 (2006).

<sup>12</sup> 47 CFR § 73.671(e)(1).

<sup>13</sup> 47 CFR § 73.671(d). As part of this showing before the full Commission, stations may rely, in part, on sponsorships of Core Programs on other stations in the same market, as well as special non-broadcast efforts which enhance the value of children's educational and informational programming. See *id.*; 47 U.S.C. § 303b(b).



television programming and still have it counted as Core Programming, such Programming must be rescheduled in order for it to be so counted and here that did not occur in certain instances.

7. **Children's Television Programming Reporting Deficiencies.** Pursuant to Section 73.3526(e)(11)(iii) of the Rules, each Class A and commercial broadcast licensee must prepare and place in its Public File a Children's Television Programming Report 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 these Reports with the Commission and must also place them in their Public File by the tenth day of the succeeding calendar quarter.<sup>14</sup> Copies of these Reports must be retained until final action has been taken on the station's next license renewal application.<sup>15</sup> As part of the Report, stations must provide specific substantive information including, but not limited to: (1) the average number of hours of Core Programming aired; (2) information identifying each Core Program aired, including the days and times the station regularly schedules the program; (3) the program length (in minutes); (4) the total number of times the program aired at its regularly scheduled time during the quarter; and (5) the number of times the program was not aired at its regularly scheduled time.<sup>16</sup> If the program was not aired at its regularly scheduled time, then the station must provide information concerning the rescheduling of that program.<sup>17</sup> Stations are also given the opportunity to identify non-core educational and informational children's programming, sponsorship of Core Programming on other in-market stations, and special non-broadcast efforts intended to enhance the value of Core Programming.<sup>18</sup> All of this information is necessary for Bureau staff, and if necessary, the Commission, to determine whether stations have met their obligations under the CTA.

8. After reviewing the record, Bureau staff concluded that certain Stations had significant numbers of Children's Television Programming Reports that either omitted or incorrectly reported substantive information. NBC/Telemundo has since provided Bureau staff with the correct information. Bureau staff has reviewed this additional information to determine whether the respective Stations complied with the Core Processing Guidelines or if there were additional Core Programming shortfalls. Furthermore, NBC/Telemundo disclosed and Bureau staff has confirmed that four Stations failed to timely file Children's Television Programming Reports.

9. **Conclusion.** The Commission and NBC/Telemundo have negotiated the terms of the Consent Decree which resolves the Investigation. As part of the Consent Decree, NBC/Telemundo has agreed to pay on behalf of its Stations an aggregate Settlement Payment in the amount of Four Hundred Ninety-Five Thousand Dollars (\$495,000) to the U.S. Treasury and to implement and maintain a Compliance Plan designed to ensure its future compliance with the CTA and the Children's Television Programming Rules.

### III. TERMS OF THE AGREEMENT

10. **Adopting Order.** The provisions of this Consent Decree shall be incorporated in an Adopting Order without change, addition, deletion, or modification.

11. **Jurisdiction.** NBC/Telemundo 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.

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<sup>14</sup> We note that broadcast television licensees are required to file all Children's Television Programming Reports in the Commission's Licensing and Management System. The Commission automatically links all Reports to the Station's Public File. 47 CFR § 73.3526(b)(4)(i).

<sup>15</sup> 47 CFR § 73.3526(e)(11)(iii).

<sup>16</sup> FCC Form 398, available at <https://transition.fcc.gov/Forms/Form398/398.pdf>.

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

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



12. 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 Commission order.

13. 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 or its delegated authority to exercise any rights and remedies attendant to the enforcement of a Commission order.

14. Termination of Investigation; Grant of Renewal Applications. 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 and for purposes of settling the matters set forth herein, NBC/Telemundo agrees to the terms and conditions contained herein. The Commission further agrees to direct the Bureau to grant, absent any other restrictions, in conjunction with the adoption of this Consent Decree, the License Renewal Applications provided that NBC/Telemundo has fully and timely satisfied its obligation to pay the Settlement Payment specified in Paragraph 16. The Commission also agrees, in the absence of new material evidence, that 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 proceeding, formal or informal, or take action in response to any petition to deny, complaint, or objection against NBC/Telemundo with respect to its basic qualifications, including its character qualifications, to be a Commission licensee or to hold a Commission license or authorization.

15. Subsequent Investigations. Except as expressly provided herein, this Consent Decree shall not prevent the Commission or its delegated authority from investigating new evidence of noncompliance by NBC/Telemundo with the various Communications Laws. Except as expressly provided herein, nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints or other adjudicatory pleadings filed against NBC/Telemundo for alleged violations of the Act or the Commission's rules or for any 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 subsequent proceedings.

16. Settlement Payment. Within thirty (30) calendar days of the Effective Date, NBC/Telemundo will pay a settlement payment to the U.S. Treasury in the amount of Four Hundred and Ninety-Five Thousand Dollars (\$495,000). NBC/Telemundo agrees that, upon execution of this Consent Decree, the Settlement Payment shall become a "Claim" or "Debt" owed to the United States as defined in 31 U.S.C. § 3701(b)(1).<sup>19</sup> NBC/Telemundo also agrees that it will not treat any portion of the Settlement Payment as tax deductible for purposes of federal, state, or local law.<sup>20</sup> NBC/Telemundo 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. Payment of the Settlement Payment must be made by check or similar instrument, wire transfer, or credit card, and must include the FRNs captioned above. An FCC Form 159 (Remittance Advice) must be submitted with payment unless the payment is made online at the Commission's Fee Filer website.<sup>21</sup> When completing FCC Form 159, enter the Account Number in block number 23A (call

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

<sup>20</sup> See 26 U.S.C. § 162(f).

<sup>21</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>.

sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that NBC/Telemundo should follow based on the form of payment it selects:<sup>22</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.

17. Waivers. As of the Effective Date, NBC/Telemundo waives any and all rights it may have to seek administrative or judicial review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. NBC/Telemundo shall retain the right to challenge the Commission's 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 action to enforce the terms of the Adopting Order, neither NBC/Telemundo nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and NBC/Telemundo shall waive any statutory right to a trial *de novo*. NBC/Telemundo 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, the Commission may consider this Consent Decree void and of no further force if the payment condition specified in Paragraph 16 is not fully and timely satisfied by NBC/Telemundo.

18. Admission. NBC/Telemundo admits for the purpose of the Consent Decree and for Commission civil enforcement purposes related thereto, and in express reliance on the provisions of paragraph 14, to the facts discussed in Paragraphs 3 through 8. By entering into this Consent Decree, NBC/Telemundo makes no other admission or admission to violating any law, regulation, or policy, and the Commission makes no finding of any such liability or violation of the Act or the Rules.

19. Compliance Plan. NBC/Telemundo agrees to implement the Compliance Plan, appended hereto, for the Stations and any other currently licensed stations, future acquired stations, or any station currently or subsequently licensed to NBC/Telemundo that becomes newly subject to the requirements of the CTA or Children's Television Programming Rules while the Compliance Plan remains in effect. NBC/Telemundo agrees, to the extent that it has not already done so, to implement the Compliance Plan within thirty (30) calendar days following the Effective Date and to keep such Compliance Plan in effect for three (3) years or in accordance with Paragraph 22 of this Consent Decree, whichever comes first.

20. Severability. The Parties agree that, if any court of competent jurisdiction rules that a provision of the Consent Decree is unenforceable, then that provision alone will become unenforceable and the entire Consent Decree shall be construed as if that unenforceable provision did not exist and the rights and obligations of the Parties shall be construed and enforced accordingly.

<sup>22</sup> For questions regarding payment procedures, please 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).

21. Invalidity. The Parties agree that, in the event a court of competent jurisdiction renders the Consent Decree invalid in its entirety, then the Consent Decree shall become null and void and may not be used in any manner for any legal proceeding.

22. 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 then that provision will be superseded by such rule or Commission order. In this regard, the Parties agree that, if the Commission adopts an order changing the Children's Television Programming Rules or other children's television programming obligations of broadcasters, NBC/Telemundo's obligations under the Compliance Plan are hereby amended consistent with the revised Rules/obligations.

23. Successors and Assigns. NBC/Telemundo agrees that the provisions of this Consent Decree shall be binding on its subsidiaries, affiliates, successors, assigns, and/or transferees, except as otherwise provided in the Compliance Plan.

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

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

26. 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.

27. Authorized Representative. Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

28. 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 counterparts together shall constitute one and the same fully executed instrument.

Federal Communications Commission

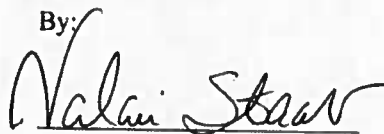
By:

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

\_\_\_\_\_  
Date

NBC Telemundo License LLC

By:



Valari Staab  
President, NBCU Owned Television Stations

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Date December 19, 2018

Telemundo Las Vegas License LLC

By:



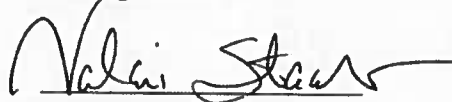
Valari Staab  
President, NBCU Owned Television Stations

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Date December 19, 2018

Telemundo of Puerto Rico

By its Managing Partner, WKAQ of Puerto Rico  
Holdings 1, Inc.



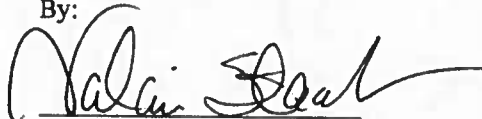
Valari Staab  
President, NBCU Owned Television Stations

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Date December 19, 2018

Station Venture Operations, LP

By:



Valari Staab  
President, NBC Owned Television Stations

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Date December 19, 2018

**COMPLIANCE PLAN OF NBC/TELEMUNDO**

To help ensure future compliance with the CTA and the Children's Television Programming Rules, NBC/Telemundo will institute the following procedures for any Station that as of the Effective Date is licensed to NBC/Telemundo. For purposes of this Compliance Plan, "Stations" also includes any broadcast television station that is subsequently acquired by NBC/Telemundo and is subject to the CTA and the Children's Television Programming Rules. Unless otherwise provided, all terms defined in Paragraph 2 of the Consent Decree shall apply to this Compliance Plan. The terms of this Compliance Plan shall remain in effect for three years after the Effective Date.

1. NBC/Telemundo will designate a person as a "Compliance Officer," whose duties shall include overseeing the following obligations:

- (a) Responding to employee or viewer inquiries concerning compliance with the Children's Television Programming Rules;
- (b) Reviewing all Children's Television Programming Reports prior to filing with the Commission;
- (c) Possessing the requisite knowledge of the Children's Television Programming Rules and remaining current on developments in the Communications Laws related to the CTA and Children's Television Programming Rules;
- (d) Reviewing the Annual Preemption Request, maintaining ongoing communication with the NBC Network, and ensuring compliance with paragraph 4 of this Compliance Plan; and
- (e) Any other duties that NBC/Telemundo believes will help ensure that all Stations operate in compliance with the Children's Television Programming Rules and the terms of this Compliance Plan.

2. Within twenty (20) business days of the Effective Date, NBC/Telemundo shall publish the name and contact information (mailing address, and e-mail and/or phone number) of the Compliance Officer by placing a document containing such information in each Station's Public File under the folder entitled "FCC Investigations or Complaints," and shall send a letter containing such information to the Chief of the Video Division, Media Bureau. NBC/Telemundo must update each Station's Public File and notify the Video Division in writing within ten (10) business days of any changes to the Compliance Officer or the Compliance Officer's contact information.

3. At least once every twelve (12) months, NBC/Telemundo shall conduct training on compliance with the CTA and Children's Television Programming Rules for any Station employee (including management) whose duties relate to a Station's compliance with the Children's Television Programming rules and CTA (hereinafter, annual compliance training). The first annual compliance training shall occur within sixty (60) calendar days of the Effective Date. Any new employees (including management) who were unable to take part in the annual compliance training must receive such training within thirty (30) calendar days of starting their duties at any Station. A certification that NBC/Telemundo has conducted the requisite compliance training must be placed in each Station's online Public File under the folder entitled "FCC Investigations or Complaints" within twenty (20) business days following completion of the annual compliance training.

4. The Parties agree that a children's program that does not air at its regularly scheduled date and time will still be counted as Core Programming as long as: (1) there is an on-air notification of the upcoming schedule change at the time of the preemption during the originally scheduled episode (except where the rescheduled episode is broadcast prior to the originally scheduled date and time of the episode, in which case prior notification will be provided), and the on-air notification announces the

alternate date and time when the originally scheduled program will air; and (2) the program is rescheduled to a second home on the same day, same week, prior week, or following week as the originally scheduled program. If the program cannot be rescheduled to a second home, it may be rescheduled on the same day, same week, prior week, or following week to any time period during Core Programming hours (7:00 a.m. and 10:00 p.m.). All preemptions for breaking news are exempted from the rescheduling requirement.

5. NBC/Telemundo acknowledges that all information provided to the Commission concerning compliance with the CTA and Children's Television Programming Rules must completely set forth all relevant material facts and circumstances regardless of whether such submission may disclose a violation of the Rules or the Act. Disclosure of a violation does not excuse the occurrence of a violation and may subject NBC/Telemundo to sanction in accordance with the Act, as well as Commission rules and policies.

6. The Parties agree that if any provision of the Compliance Plan conflicts with any subsequent rule or order adopted by the Commission, that provision will be superseded by such rule or order. In this regard, the Parties agree that if the Commission adopts an order changing the Children's Television Programming Rules or other children's television programming obligations of broadcasters, NBC/Telemundo's obligations under this Compliance Plan are hereby amended consistent with the revised Rules/obligations.

7. Stations acquired by NBC/Telemundo after the Effective Date will become subject to the terms of this Compliance Plan thirty (30) calendar days after notice has been provided to the Commission of the consummation of any such Station acquisition pursuant to prior Commission consent.

## ATTACHMENT

Facility ID No.	Call Sign	Community of License	Licensee	Pending License Renewal Application File Nos.
38375	KDEN-TV	Longmont, CO	NBC Telemundo License LLC	No Pending License Renewal
64974	KEJT-CD	Salt Lake City, UT	NBC Telemundo License LLC	BRTTA-20140602AXD
30601	KHRR	Tucson, AZ	NBC Telemundo License LLC	BRCDDT-20140602AZB
47906	KNBC	Los Angeles, CA	NBC Telemundo License LLC	BRCDDT-20140801AJG BRCT-20060810AEC
58608	KNSO	Merced, CA	NBC Telemundo License LLC	BRCDDT-20140801AJB
35280	KNTV	San Jose, CA	NBC Telemundo License LLC	BRCDDT-20140801AJE BRCT-20060810ADW
64987	KSTS	San Jose, CA	NBC Telemundo License LLC	BRCDDT-20140801AJC
81458	KTAZ	Phoenix, AZ	NBC Telemundo License LLC	BRCDDT-20140602AXH
62354	KTLM	Rio Grande City, TX	NBC Telemundo License LLC	No Pending License Renewal
64984	KTMD	Galveston, TX	NBC Telemundo License LLC	No Pending License Renewal
64969	KVDA	San Antonio, TX	NBC Telemundo License LLC	No Pending License Renewal
19783	KVEA	Corona, CA	NBC Telemundo License LLC	BRCDDT-20140801AJD BRCT-20060810AEA
35994	KXTX-TV	Dallas, TX	NBC Telemundo License LLC	BRCDDT-20140401AHS
63153	WCAU	Philadelphia, PA	NBC Telemundo License LLC	BRCDDT-20150401AEC BRCT-20070330AUC
47905	WMAQ-TV	Chicago, IL	NBC Telemundo License LLC	BRCDDT-20130801AGD BRCT-20050801CEL
47535	WNBC	New York, NY	NBC Telemundo License LLC	BRCDDT-20150202ACH BRCT-20070131AJJ
51864	WNEU	Merrimack, NH	NBC Telemundo License LLC	BRCDDT-20141201AOV
73333	WNJU	Linden, NJ	NBC Telemundo License LLC	BRCDDT-20150202ACO
47904	WRC-TV	Washington, DC	NBC Telemundo License LLC	BRCDDT-20120601AJM BRCT-20040601BDX
64971	WSCV	Fort Lauderdale, FL	NBC Telemundo License LLC	No Pending License Renewal
70119	WSNS-TV	Chicago, IL	NBC Telemundo License LLC	BRCDDT-20130801AFU BRCT-20050801CFO



63154	WTVJ	Miami, FL	NBC Telemundo License LLC	BRCDT-20121001AVB
74170	WVIT	New Britain, CT	NBC Telemundo License LLC	BRCDT-20141201AOK BRCT-20061201BQF
23142	WWSI	Mount Laurel, NJ	NBC Telemundo License LLC	BRCDT-20150202ACF
63768	KBLR	Paradise, NV	Telemundo Las Vegas License LLC	BRCDT-20140602BAW
64983	WKAQ-TV	San Juan, PR	Telemundo of Puerto Rico	BRCDT-20121001AWF BRCT-20040930BSW
35277	KNSD	San Diego, CA	Station Venture Operations, LP	BRCDT-20140801AJN BRCT-20060810AGV
49330	KXAS-TV	Fort Worth, TX	Station Venture Operations, LP	BRCDT-20140401AMY BRCT-20060403BWM

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *NBC/Telemundo Applications for Renewal of Licenses and Compliance with the Children's Television Act of 1990, as implemented by Section 73.671; and Section 73.3526(e)(11)(iii) of the Commission's Rules*

I approve this consent decree between the Commission and NBC Telemundo, which resolves concerns over compliance with our children's television programming obligations and reporting requirements, allowing the Commission to approve pending broadcast station license renewals. All entities should be aware that the Commission expects full compliance by those subject to our rules, and such an experienced licensee should have a firm grasp of its FCC obligations or seek appropriate Commission waivers, as necessary.

At the same time, the compliance issues raised by the consent decree amplify problems with and the need for important revisions to Commission's underlying children's television programming rules. The issues generating this item – preemption for live, high-demand programming and overly burdensome reporting requirements – are exactly those that justify the Commission's review of its current children's television programming rules. In the end, I am confident that we can revise our rules to provide necessary and appropriate flexibility for local broadcasters while preserving and/or improving the experience of those watching children's programming.