



Corporation
for Public
Broadcasting

March 13, 2023

VIA ELECTRONIC MAIL

Mr. Bryan Lane
Station Manager, WUTC-FM
The University of Tennessee at Chattanooga
615 McCallie Ave., Dept 1151
Chattanooga, TN 37403-2598

Dear Mr. Lane,

RE: Evaluation of WUTC-FM, University of Tennessee at Chattanooga, Compliance with Selected Communications Act and Transparency Requirements (Report No. ECR2208-2302)

The evaluation referenced above concluded that WUTC-FM (WUTC) was compliant with two of six select requirements in the Communications Act of 1932, 47 U.S.C. §396, et sec. (Communications Act), and in the General Provisions and Eligibility Criteria (General Provisions) governing the 2021 community service grant awarded it by the Corporation for Public Broadcasting (CPB).

The specific findings and CPB's determinations for WUTC follow.

I. Posting Current Financial Information

The Communications Act requires stations to make available to the public their annual financial and audit reports they are required to provide to CPB¹. CPB finds stations compliant if they post their most recent audited financial statement and annual financial report (AFR) on their website.

The evaluation found that WUTC had not posted its most recent audited financial statement and AFR on its website, although it immediately did so when the issue was brought to its attention during the evaluation. The report recommended that CPB require WUTC to identify the controls it will adopt to avoid this error in the future. WUTC explained that the issue was attributed in part to extensive staff turnover². Considering WUTC's swift action to correct these issues, the station's express commitment to compliance detailed in that correspondence, including periodic staff meetings to address compliance, and the penalty assessed below, we will not require additional documentation.

Action: No further action is required of WUTC.

¹ General Provisions, Section 2 (C), Open Financial Records.

² Exhibit D of the audit report.

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II. Board Members List

CPB requires stations to post the members of their governing body on its website³. The report found that WUTC's website did not include this information, and it recommended that CPB require WUTC to identify the controls it will implement to avoid this error in the future.

WUTC promptly corrected this issue before the evaluation's completion. Considering this and the penalty assessed below, we will not require additional documentation.

Action: No further action is required of WUTC.

III. Posting Local Content and Service Report

CPB requires stations to post the Local Content and Service Report (LCSR) on its website⁴. The report found that WUTC did not make the LCSR available at its central office or on the station's website, and it recommended that CPB require WUTC to identify the controls it will implement to avoid this error in the future.

WUTC promptly posted its LCSR on its website before the evaluation's completion. Considering this and the penalty assessed below, we will not require additional documentation.

Action: No further action is required of WUTC.

IV. CSG Non-compliance Policy

CPB adopted the CSG Non-compliance Policy to encourage grantees to comply with the applicable provisions governing their CSG and the Communications Act. Stations are subject to a penalty of \$5,000 for failure to comply with a category in the Communications Act and a penalty of \$1,000 for failure to comply with a category in the General Provisions. Considering the prompt action WUTC took to correct the issues, its compliance representations, and the overall results of the report, we will assess a reduced Communications Act penalty of \$2,500 for the open financial records non-compliance and assess a reduced penalty of \$500 each for non-compliance with the General Provisions, i.e., posting the names of its governing body members to its website and making its LCSR available.

Action: WUTC must provide the \$3,500 penalty to CPB for its non-compliance with the Communications Act and General Provisions, within 45 days of the date of this correspondence. Accordingly, please forward a check payable to CPB to Nick Stromann, Vice President, Controller, Corporation for Public Broadcasting, 401 Ninth Street N.W., Washington, D.C. 20004-2129.

If you wish CPB to consider additional information relating to this matter, please provide the same in writing within 30 days of the date of this letter. Otherwise, CPB will consider these determinations final, and WUTC must comply with the actions set forth above. CPB reserves the right to take any other action it deems appropriate until these issues are resolved to CPB's satisfaction.

Kind regards,

³ General Provisions, Section 9 (B), Documents for Public Inspection: Website Posting Required.

⁴ General Provisions, Section 9 (C), Documents for Public Inspection: At Central Office or on Station Website.

Mr. Bryan Lane
Station Manager
WUTC-FM

Jackie J. Livesay

Jackie J. Livesay
Deputy General Counsel & Vice President, Compliance

CC: VIA ELECTRONIC MAIL

Joanne Romagni, Licensee Official, WUTC-FM

Cassie Mathes, Head of Grantee, WUTC-FM

Michael Levy, Executive Vice President & Chief Operating Officer, CPB

J. Westwood Smithers, Jr., Senior Vice President & General Counsel, CPB

William P. Tayman, Jr., Chief Financial Officer & Treasurer, CPB

Kimberly Howell, Inspector General, CPB

William J. Richardson, III, Senior Director & Deputy Inspector General, CPB

Kathy Merritt, Senior Vice President, Radio, Journalism & CSG Services, CPB

Katherine Arno, Vice President, Community Service Grants and Station Initiatives, CPB

Nick Stromann, Vice President, Controller, CPB

Andrew Charnik, Director, Radio CSG Policy & Administration, CPB

Forrest Lillibridge, Director, Grants Administration, CPB