



Corporation  
for Public  
Broadcasting

February 6, 2024

Ms. Kelly Wells  
Executive Director  
KDHX-FM  
3524 Washington Avenue  
Saint Louis, MO 63103

Dear Ms. Wells,

RE: Evaluation of KDHX-FM, Double Helix Corporation, Compliance with Selected Communications Act, and General Provisions Diversity and Transparency Requirements (Report No. ECR2314-2315)

The evaluation referenced above concluded that KDHX-FM (KDHX) was compliant with eight of ten 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 2023 community service grant (CSG) awarded it by the Corporation for Public Broadcasting (CPB).

The specific findings and CPB's determinations for KDHX 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 CPB.<sup>1</sup> CPB also requires that each CSG recipient post its most recent annual financial report (AFR) and audited financial statement on its website.

The evaluation found that KDHX had not posted its most recent AFR on its website, although it immediately addressed the issue by updating its website to include the document. The report recommended that CPB require KDHX identify the controls it will adopt to avoid this error in the future. KDHX explained that they will include the AFR in their annual website posting process to ensure compliance.<sup>2</sup> Considering KDHX's swift action to correct the issue, the station's commitment to compliance detailed in that correspondence, and the penalty assessed below, we will not require additional documentation.

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

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<sup>1</sup> General Provisions, Section 2 (C), Open Financial Records.

<sup>2</sup> Exhibit D of the evaluation report.

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comply with a category in the General Provisions. Considering the prompt action KDHX 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.

Action: KDHX must provide the \$2,500 Communications Act penalty to CPB within 45 days of the date of this correspondence.

## II. Diversity Statement

The fiscal year 2023 General Provisions required stations to maintain a Diversity Statement and the evaluation found KDHX was generally compliant with the requirements but did not address three points. Before the evaluation's completion, KDHX created controls for maintaining compliance with the provision.<sup>3</sup> The report recommended that CPB require KDHX update its Diversity Statement to meet the outstanding requirements and identify the corrective actions and controls it will implement to ensure future compliance.

CPB undertook a review of the Diversity Statement requirements and in October 2023, revised these requirements in the General Provisions effective fiscal year 2024. The revised requirements require stations to adopt a Community Representation Statement that must be posted on the station's website or made available at its central office. The revisions also require stations to document how they include their communities in station employment, station governance, and community advisory boards (if required), and how they provide educational, informational, and cultural content that meets the needs of the communities they serve.<sup>4</sup> Because of this review and the revisions to these requirements, CPB will not require any corrective actions of KDHX or assess a penalty for noncompliance.

Action: No further action is required of KDHX.

KDHX must provide the Communications Act non-compliance penalty to CPB by forwarding 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 KDHX 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,

*Jackie J. Livesay*

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

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<sup>3</sup> Exhibit D of the evaluation report.

<sup>4</sup> Additional requirements are detailed in the fiscal year 2024 Radio CSG General Provisions, Section 8, Community Representation Statement.

Ms. Kelly Wells  
Executive Director  
KDHX-FM

CC: VIA ELECTRONIC MAIL

Gary Pierson, Licensee Official, KDHX-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