



August 30, 2021

VIA ELECTRONIC MAIL

Mr. Austin Roof  
General Manager  
KIYU-FM  
P.O. Box 165  
Galena, AK 99741

Dear Mr. Roof,

RE: Evaluation of KIYU-AM Compliance with Selected Communications Act and Transparency Requirements as of March 25, 2021 (Report No. ECR2104-2108)

The evaluation referenced above concluded that KIYU was compliant with eight of eleven 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 Provision) governing the 2021 community service grant awarded it by the Corporation for Public Broadcasting (CPB).

The specific findings and CPB's determination for KIYU follow.

1. Open Meetings

The Communications Act requires that stations provide advance notice of their open governing body meetings, open governing body committee meetings, and Community Advisory Board (CAB) meetings and CPB finds stations compliant if they provide at least seven-days' advance notice. The audit found that KIYU did not give adequate notice for a CAB meeting held during the reporting period. We agree with this finding.

The report recommended that CPB require KIYU identify the corrective actions and controls it will implement to avoid this error in the future. KIYU acknowledged this lapse and explained that it has put procedures in place to ensure its future compliance, per its letter dated June 10, 2021. Considering the changes adopted by KIYU, we are satisfied that it understands the requirements and will be compliant going forward, and we require no further documentation.

Action: No further action is required of KIYU.

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General Manager  
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## 2. Closed Meetings

The Act requires stations to document and make available to the public the reason(s) a meeting was closed within a reasonable time after closing a meeting. CPB requires the documentation be completed within ten days of the meeting and made available for public inspection, either at the station's central office or posted on its website<sup>1</sup>. The report found that KIYU did not provide a reason for closing a meeting and the appropriate documentation was not made available to the public.

The report recommended that CPB require KIYU identify the corrective actions and controls it will implement to avoid this error in the future. KIYU assessed its process for providing the public with the reasons for closing a meeting or session of a meeting, as explained in its June 10, 2021, correspondence. Based on the steps undertaken by KIYU to correct the same, we are confident that it has adopted sufficient controls to avoid this issue going forward and we require no further documentation.

Action: No further action is required of KIYU.

## 3. 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 that fail to comply with a category of the Act are subject to a penalty of \$5,000 per infraction. Because the open and closed meeting requirements comprise one category in the Act and considering not only the impact of a penalty on the station, but the prompt action KIYU took to correct the issue and the overall results of the report, we will assess a reduced penalty of \$1,000.

Action: KIYU must provide the \$1,000 penalty to CPB for its non-compliance with the Act, within 45 days of the date of this correspondence. Accordingly, please forward a check, payable to CPB, to the attention of 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 KIYU 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

CC: VIA ELECTRONIC MAIL  
Paul Apfelbeck, President, KIYU Board of Directors

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<sup>1</sup> 2021 Compliance Document, Closed Meetings, Section C. Closed Meeting Documentation

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General Manager  
KIYU-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