

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

In the Matter of)	
)	
Salmon River Communications, Inc.)	Facility I.D. No. 71526
)	NAL/Acct. No. MB-2011414100020
Licensee of Station KSRA-FM)	FRN: 0020242244
Salmon, Idaho)	File No. BRH-20101029ADA

FORFEITURE ORDER

Adopted: June 27, 2013

Released: June 27, 2013

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of thirteen thousand dollars (\$13,000) to Salmon River Communications, Inc. (“Licensee”), licensee of Station KSRA-FM, Salmon, Idaho (“Station”), for willfully violating Section 73.3539 of the Commission’s Rules (“Rules”) by failing to timely file a license renewal application for the Station, and for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended (“Act”), by engaging in unauthorized operation of the Station after its authorization had expired.¹

II. BACKGROUND

2. On October 21, 2011, the Bureau issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) in the amount of thirteen thousand dollars (\$13,000) to Licensee for these violations.² As noted in the NAL, Licensee’s renewal application for the Station’s license term was due on June 1, 2005, four months prior to the October 1, 2005, expiration date.³ No such application was filed, and the Station’s license expired on October 1, 2005. Accordingly, on September 28, 2010, the staff wrote to the Licensee, indicating that the Station’s license had expired and that: (1) all authority to operate the Station was terminated; and (2) the Station’s call letters had been deleted from the Commission’s data base. The Licensee was advised that any operation of the station was then unauthorized and must cease immediately.⁴ Upon receipt of the *License Expiration Letter*, on October 6, 2010, the Licensee filed a request for special temporary authority (“STA”) to continue Station operations pending consideration of the untimely filed renewal application,⁵ and shortly thereafter filed the subject renewal application. The

¹ 47 C.F.R. § 73.3539; 47 U.S.C. § 301.

² *Salmon River Communications, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 14495 (MB 2011). The Commission granted the license renewal application on October 21, 2011.

³ See 47 C.F.R. §§ 73.1020, 73.3539(a).

⁴ *Letter to Salmon River Communications, Inc.*, Ref. 1800B3-KAW (MB Sept. 28, 2010) (“*License Expiration Letter*”).

⁵ See File No. BLSTA-20101006AAN (“STA Request”).

staff granted the STA Request on November 9, 2010, and it expired on May 9, 2011.⁶ Licensee did not seek an extension of the STA, nor did it request an additional STA to maintain Station operations. Nevertheless, Licensee continued operating the Station after the STA had expired. In the STA Request, the Licensee indicated that KSRA-FM simply inadvertently failed to file a timely license renewal application for the Station. Licensee did not submit a response to the *NAL*.

III. DISCUSSION

3. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Act,⁷ Section 1.80 of the Rules,⁸ and the Commission's *Forfeiture Policy Statement*.⁹ In assessing forfeitures, Section 503(b)(2)(E) of the Act requires that we take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.¹⁰

4. We conclude that Licensee willfully¹¹ violated Section 73.3539 of the Rules and willfully and repeatedly¹² violated Section 301 of the Act¹³ and that no circumstances warrant reduction or cancellation of the proposed forfeiture.

IV. ORDERING CLAUSES

5. IT IS FURTHER ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the Commission's Rules,¹⁴ that Salmon River Communications, Inc., SHALL FORFEIT to the United States the sum of thirteen thousand dollars (\$13,000) for willfully violating Section 73.3539 of the Commission's Rules and willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules within 30 days of the release of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.¹⁵ Payment of the forfeiture must be made by check or similar instrument,

⁶ *Letter to Mr. Rick Sessions*, Ref. 1800B3 (MB Nov. 9, 2010).

⁷ 47 U.S.C. § 503(b).

⁸ 47 C.F.R. § 1.80.

⁹ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

¹⁰ 47 U.S.C. § 503(b)(2)(E).

¹¹ Section 312(f)(1) of the Act defines "willful" as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312(f)(1) of the Act clarifies that this definition of willful applies to Sections 312 and 503(b) of the Act, H.R. REP. No. 97-765, 51 (Conf. Rep.), and the Commission has so interpreted the terms in the Section 503(b) context. *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387-88 (1991) ("*Southern California*").

¹² Section 312(f)(2) of the Act defines "repeated" as "the commission or omission of [any] act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2). *See also Southern California*, 6 FCC Rcd at 4388 (applying this definition of repeated to Sections 312 and 503(b) of the Act).

¹³ 47 C.F.R. § 73.3539; 47 U.S.C. § 301.

¹⁴ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.283, 1.80.

¹⁵ 47 U.S.C. § 504(a).

payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank--Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).¹⁶ Licensee will also send electronic notification on the date said payment is made to Tom.Hutton@fcc.gov and Alexander.Sanjenis@fcc.gov. Requests for payment of the full amount of the forfeiture under an installment plan should be sent to: Associate Managing Director-Financial Operations, Room 1-A625, 445 12th Street, S.W., Washington, D.C. 20554.¹⁷

7. IT IS FURTHER ORDERED, that a copy of this Forfeiture Order shall be sent by First Class and Certified Mail-Return Receipt Requested, to Salmon River Communications, Inc., 315 Riverfront Drive, Salmon, ID 83467.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau

¹⁶ See 47 C.F.R. § 1.1914.

¹⁷ *Id.*