



Federal Communications Commission
Washington, D.C. 20554

October 23, 2013

DA 13-2043
Released: October 23, 2013

First Media Radio, LLC
306 Port Street
Easton, Maryland 21601

Re: Forfeiture Order on Reconsideration,
WNVN-LP, Roanoke Rapids, North Carolina,
Fac. ID. No. 43758
NAL/Act. No. 201341420022

Dear Licensee:

Background. On September 23, 2013, the Video Division released a Forfeiture Order, DA 13-1942, in the above-captioned matter.¹ At the time of the issuance of the Forfeiture Order, the staff reviewing this matter had not received the Licensee's timely filed response to the Notice of Apparent Liability in this matter. In accordance with Commission Rule 1.108,² the Video Division hereby reconsiders the Forfeiture Order in light of the Licensee's response. However, the Video Division ultimately concludes, after careful review of the Licensee's response, that the Licensee is liable for a forfeiture of Six Thousand Dollars (\$6,000).

The factual findings and discussion included in the Forfeiture Order are incorporated by reference herein.³ The Licensee filed a timely response on July 16, 2013.⁴

Discussion. In its response, the Licensee admits that the violations identified in the Notice of Apparent Liability occurred.⁵ These violations constitute repeated violations of the relevant Commission rules.

The Licensee argues, however, that the forfeiture amount is excessive as compared to other cases in which Licensees filed a greater number of late reports.⁶ In contrast to the two matters referred to in the Licensee's response, the Licensee here violated two *separate* provisions of Section 73.3526, resulting in two separate \$3,000 forfeitures. The Licensee was assessed the standard forfeiture amount under our Forfeiture Guidelines⁷ for each violation, and we find no basis to reduce the forfeiture amount.

Accordingly, **IT IS ORDERED ON RECONSIDERATION** that, pursuant to section 503(b) of the Communications Act of 1934, as amended, and Sections 0.61(f)(1) and 1.80(a)(1)&(2) of the

¹ *First Media Radio, LLC*, Forfeiture Order, DA 13-1942 (Sept. 23, 2013).

² 47 C.F.R. § 1.108.

³ *First Media Radio, LLC*, Forfeiture Order.

⁴ Licensee Response to Notice of Apparent Liability ("Licensee Response") (Jul. 16, 2013) at 1.

⁵ *Id.*

⁶ *Id.* (citing Kevin O'Kane, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd. 7480 (Vid. Div. 2013) and Concilio Mision Cristina Fuente de Agua Viva, Inc., 28 FCC Rcd 8878 (Vid. Div. 2013).

⁷ See *Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17113-15 (1997), *recon. denied*, 15 FCC Rcd 303 (1999); 47 C.F.R. § 1.80(b)(4).

Commission's rules,⁸ First Media Radio, LLC SHALL FORFEIT to the United States the sum of six thousand dollars (\$6,000) for repeatedly violating Section 47 U.S.C. § 336(f)(2)(A)(ii) and 47 C.F.R. §§ 73.3526(e)(11)(ii)&(iii).

In the event that the Licensee wishes to revert WNVN-LP to low power television status, the Licensee need only notify us of this election and request a change in status for the station(s).⁹ Should the Licensee elect to revert the stations to low power status, the Licensee would no longer be apparently liable for the forfeiture amount described herein.

Payment of the forfeiture shall be made in the manner provided for in Section 1.80 (h) of the Commission's rules within thirty (30) calendar days after the release date of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Communications Act of 1934, as amended. The Licensee shall send electronic notification of the payment to Peter Saharko at peter.saharko@fcc.gov on the date payment is made.

The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the "FORF" in block number 24A (payment type code). 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.

Sincerely,

Barbara A. Kreisman
Chief, Video Division,
Media Bureau

cc:
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⁸ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.61(f)(1) & 1.80(a)(1)&(2).

⁹ See 47 C.F.R. § 73.6001(d).