



Federal Communications Commission
Washington, D.C. 20554

December 3, 2013

DA 13-2298
Released: December 3, 2013

San-Lee Community Broadcasting, Inc.
P.O. Box 4646
Sanford, North Carolina 27331-4646

Re: Forfeiture Order on Reconsideration
WBFT-CA, Sanford, North Carolina
Fac. ID. No. 64400

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. The Video Division ultimately concludes, after careful review of the Licensee's response, that the Licensee is liable for a forfeiture of Three Thousand Dollars (\$3,000).

The factual findings and discussion included in the Forfeiture Order are incorporated by reference herein.³ The Licensee filed a timely response on July 12, 2013.⁴

Discussion. In its response, the Licensee does not dispute that the violations identified in the Notice of Apparent Liability occurred.⁵ These violations constitute repeated violations of the relevant Commission rules.

Licensee also argues that it cannot afford to pay the forfeiture.⁶ Typically, the Commission uses gross revenue as the primary measuring stick by which it evaluates a licensee's ability to pay.⁷ Here, the Licensee provided financial documentation in an effort to support its argument that it cannot pay the forfeiture amount.⁸

In the NAL, the Video Division proposed a forfeiture amount of \$9,000. Having carefully reviewed the Licensee's submitted documentation, we reduce the forfeiture to \$3,000, and we conclude the

¹ *San-Lee Community Broadcasting, Inc.*, Forfeiture Order, DA 13-1944 (Sept. 23, 2013).

² 47 C.F.R. § 1.108.

³ *San-Lee Community Broadcasting, Inc., LLC*, Forfeiture Order.

⁴ Licensee Response to Notice of Apparent Liability ("Licensee Response") (Jul. 12, 2013) at 1.

⁵ *Id.* The Licensee states that the violations occurred during a time when the health of the Station's General Manager declined, ultimately leading to his death in January 2013. *Id.*

⁶ *Id.* at 4.

⁷ *San Jose State University*, Memorandum Opinion and Order, 26 FCC Rcd 5908 (2011).

⁸ The Licensee submitted tax returns for 2009 through 2011 and a profit and loss statement for its 2012 records. Licensee Response at 1.

revised forfeiture amount is in line with previous forfeitures the Commission has determined are not excessive relative to the Licensee's ability to pay.⁹

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 Commission's rules,¹⁰ San-Lee Community Broadcasting, Inc. SHALL FORFEIT to the United States the sum of three thousand dollars (\$3,000) 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 WBFT-CA to low power television status, the Licensee need only notify us of this election and request a change in status for the station(s).¹¹ 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

⁹ *Hoosier Broadcasting Corporation*, Memorandum Opinion and Order, 15 FCC Rcd 8640, 8641 (EB 2002) (forfeiture not deemed excessive where it represented approximately 7.6 percent of the violator's gross revenues); *Bruno Goodworth Network, Inc.*, Forfeiture Order, DA 13-1585, 2013 WL 3777827 (Vid. Div. Jul. 18, 2013) (forfeiture amount reduced to approximately 7 percent of the violator's gross revenues).

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

¹¹ See 47 C.F.R. § 73.6001(d).