

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Birach Broadcasting Corporation)	File No.: EB-10-DT-0337; EB-
)	FIELDNER-12-00004566
Licensee of Station WOAP(AM))	NAL/Acct. No.: 201232360007
Owosso, Michigan)	FRN: 0003766847
)	Facility ID No.: 41682

ORDER

Adopted: November 10, 2015

Released: November 10, 2015

By the Regional Director, Northeast Region, Enforcement Bureau:

1. Based on our review of the record, including the information that Birach Broadcasting Corporation (Birach) provided in response to the *Notice of Apparent Liability for Forfeiture (NAL)* in this proceeding, we find that no forfeiture penalty should be imposed on Birach for apparent noncompliance with the Commission's rules for permissible hours of operation.

2. On June 14, 2012, the Enforcement Bureau (Bureau) issued the *NAL* to Birach, licensee of AM Station WOAP (WOAP) in Owosso, Michigan,¹ and proposed a \$4,000 forfeiture for its apparent willful and repeated violation of Section 73.1745(a) of the Commission's rules² (Rules) for operating WOAP at times other than those specified in its license.³ In the *NAL*, the Bureau provided Birach an opportunity to show, in writing, why either no forfeiture or a lower forfeiture should be imposed. Birach filed a response to the *NAL* dated July 12, 2012.⁴ Based on our review of the response and the record, which includes the WOAP license, we find that that no forfeiture should be imposed against Birach for violation of Section 73.1745(a) of the Rules.

3. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 504(b) of the Communications Act of 1934, as amended,⁵ and Sections 0.111, 0.311, and 1.80 of the Commission's rules,⁶ the proposed forfeiture in the *NAL* issued to Birach Broadcasting Corporation on June 14, 2012, **WILL NOT BE IMPOSED**.

¹ Birach's application for authorization to assign Station WOAP and Station WMJH (AM), Rockford, Michigan, to Cano's Broadcasting, LLC was granted on September 2, 2015. See File No. BAL-20120410ACE.

² 47 C.F.R. § 73.1745(a).

³ See *Birach Broadcasting Corporation*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 6241 (Enf. Bur. 2012). The *NAL* includes a more complete recitation of the facts of this case and is incorporated herein by reference.

⁴ Birach Broadcasting Corp., Response to Notice of Apparent Liability for Forfeiture (dated Jul. 12, 2012) (on file in EB-10-DT-0337).

⁵ 47 U.S.C. §§ 154(i), 504(b).

⁶ 47 C.F.R. §§ 0.111, 0.311, 1.80.

4. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and certified mail return receipt requested to Birach Broadcasting Corporation, 21700 Northwestern Highway, Tower 14, Southfield, MI 48075, and its counsel of record, John C. Trent, Law Offices of Putbresi Hunsaker & Trent, P.C., 200 South Church Street, Woodstock, VA 22664.

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt
Regional Director, Northeast Region
Enforcement Bureau