

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

In the Matter of)	
)	
Sagittarius Broadcasting Corp.)	Control Nos. 95100477, 96070454, 96100043,
)	96100438
Licensee of)	NAL/Acct. No. 818ed011
Station WXRK(FM), New York, NY)	
Facility ID # 58579)	
)	

MEMORANDUM OPINION & ORDER

Adopted: February 2, 2001

Released: February 5, 2001

By the Chief, Enforcement Bureau:

1. In this Memorandum Opinion & Order, we rescind a Notice of Apparent Liability for a monetary forfeiture for the broadcast of indecent material on the mornings of October 23, 1995, March 7, 1996, and June 3, 1996. 12 FCC Rcd 8274 (MMB 1997).

2. Because a significant amount of time has elapsed since the broadcasts of the material at issue, we have determined not to issue a forfeiture order. See *Americom Las Vegas Ltd. Partnership (KFBI(FM))*, 15 FCC Rcd 13550 (2000); *Flambo Broadcasting, Inc. (KFMH-FM)*, 15 FCC Rcd 23429 (Enf. Bureau 2000). However, our decision today in no way condones the broadcasts of the material at issue.

3. ACCORDINGLY, IT IS ORDERED that the above-referenced NAL issued to CBS Radio is hereby RESCINDED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau