

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

In the Matter of)	
)	
K.I.D.S. – TV6)	File No. 99100489
)	NAL/Acct. No. 20013208005
Licensee of Low Power Television Station)	Facility #63149
K06MU, Big Bear Lake, California)	
)	

FORFEITURE ORDER

Adopted: March 13, 2001

Released: March 15, 2001

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we find that K.I.D.S. – TV6, licensee of low power television station K06MU, Big Bear Lake, California, violated section 310(d) of the Communications Act of 1934, as amended (“Act”), 47 U.S.C. § 310(d), and section 73.3540(a) of the Commission's rules, 47 C.F.R. § 73.3540(a), by transferring *de facto* control of the K06MU license without obtaining prior Commission approval. We conclude that K.I.D.S. – TV6 is liable for an eight thousand dollar (\$8,000) forfeiture.

II. BACKGROUND

2. On October 20, 2000, the Commission, by the Chief, Enforcement Bureau, acting pursuant to delegated authority, issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) to K.I.D.S. – TV6, proposing an \$8,000 forfeiture.¹ We issued the NAL because it appeared that K.I.D.S. – TV6 had transferred *de facto* control of K06MU without Commission authorization. Pursuant to paragraph 18 of the NAL, we sent the NAL by certified mail to the then licensee’s last known address. On November 7, 2000, the NAL was returned to the Commission as “Not Sufficient for Delivery.” After obtaining a current address, we resent the NAL on January 30, 2001. The return receipt reflects delivery of the NAL on February 2, 2001. To date, we have not received a response to the NAL.

III. DISCUSSION

3. Section 310(d) of the Act provides in pertinent part:

No . . . station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit license, to any person

¹ See *K.I.D.S. – TV6*, 15 FCC Rcd 20212 (Enforcement Bureau 2000).

except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.

Similarly, section 73.3540(a) of the Commission's rules, 47 C.F.R. § 73.3540(a), provides, "Prior consent of the FCC must be obtained for a voluntary assignment or transfer of control." As detailed in the *NAL*, K.I.D.S. – TV6 transferred control of K06MU to Bear Valley Broadcasting, Inc. prior to having received Commission authorization to do so. Having received nothing to suggest otherwise, we conclude that the unauthorized transfer occurred and that imposition of the forfeiture is warranted.

IV. ORDERING CLAUSES

4. ACCORDINGLY, IT IS ORDERED pursuant to 47 U.S.C. § 503(b) and 47 C.F.R. §§ 0.111, 0.311 and 1.80, that K.I.D.S. – TV6 FORFEIT to the United States the sum of eight thousand dollars (\$8,000) for willfully and repeatedly violating 47 U.S.C. § 310(d) and 47 C.F.R. § 73.3540(a).

5. Payment of the forfeiture shall be made by mailing a check or money order, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482, within thirty (30) days of the release of this Forfeiture Order. *See* 47 C.F.R. § 1.80(h). The payment should note the *NAL*/Acct. No. referenced above. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to 47 U.S.C. § 504. A request for payment of the full amount of this Forfeiture Order under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.²

6. IT IS FURTHER ORDERED THAT a copy of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested to K.I.D.S. – TV6, c/o Mr. Chuck Foster, 1055 – C Ortega Way, Placentia, California 92870.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

² *See* 47 C.F.R. § 1.1914.