

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

In the Matter of)	
)	File No. EB-02-BF-135
Nextmedia Operating, Inc.)	
Owner of Antenna Structure # 1027118)	NAL/Acct. No. 200232280004
Erie, Pennsylvania)	
)	FRN 0006-1324-19

MEMORANDUM OPINION AND ORDER

Adopted: October 10, 2003

Released: October 15, 2003

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we cancel a fifteen thousand dollar (\$15,000) *Notice of Apparent Liability for Forfeiture* (“*NAL*”)¹ issued to Nextmedia Operating, Inc. (“Nextmedia”), licensee of AM broadcast Station WJET and owner of antenna structure number 1027118 in Erie, Pennsylvania, for willful violation of Sections 17.47(a)(1), 17.48(a), and 17.51(a) of the Commission’s Rules (“Rules”).² The alleged violations involve Nextmedia’s failure to make an observation of the antenna structure’s lights at least once each 24 hours, failure to notify the Federal Aviation Administration (“FAA”) that the obstruction lighting was improperly functioning, and failure to exhibit obstruction lighting from sunset to sunrise. Based on our review of Nextmedia’s response to the *NAL*, we conclude that Nextmedia did not willfully violate either Section 17.47(a)(1) or 17.48(a). We also conclude that, based on Nextmedia’s good faith efforts to comply and its history of overall compliance, no forfeiture should be imposed for its violation of Section 17.51(a).

2. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Communications Act of 1934, as amended,³ and Section 1.80(f)(4) of the Rules,⁴ the *NAL* issued to Nextmedia Operating, Inc. on August 28, 2002 **IS CANCELLED**.

¹ *Nextmedia Operating, Inc.*, NAL Acct. No. 200232280004 (Enf. Bur., Buffalo Office, rel. August 28, 2002).

² 47 C.F.R. §§ 17.47(a)(1), 17.48(a), 17.51(a).

³ 47 U.S.C. § 504(b).

⁴ 47 C.F.R. § 1.80(f)(4).

3. **IT IS FURTHER ORDERED** that copies of this *Order* shall be sent by Certified Mail Return Receipt Requested and by First Class Mail to Nextmedia Operating, Inc., 6312 Fiddlers Green Circle, Englewood, Colorado 80111.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau