

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

In the Matter of)	File No. EB-02-NF-051
)	
Madison Broadcasting Group, Inc.)	NAL/Acct. No. 20023264002
Danboro, Pennsylvania)	
)	FRN 0006-1449-50

MEMORANDUM OPINION AND ORDER

Adopted: March 12, 2003

Released: March 17, 2003

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Memorandum Opinion and Order* ("Order") we grant the Petition for Reconsideration filed by Madison Broadcasting Group, Inc. ("Madison"), former licensee of station WLVA(AM) and former owner of five antenna structures in Lynchburg, Virginia (antenna structure registration numbers 1065920, 1065921, 1065922, 1065923, and 1065924) of the *Forfeiture Order*¹ issued by the Enforcement Bureau in this proceeding. Pursuant to Section 503(b) of the Communications Act of 1934, as amended ("the Act"),² and Section 1.80 of the Commission's Rules ("the Rules"),³ the Enforcement Bureau found Madison liable for a monetary forfeiture in the amount of \$12,000 for willful violation of Sections 17.4(g) (failure to post its antenna structure registration numbers) and 17.50 (failure to maintain specified painting on its five antenna structures) of the Rules.⁴

II. BACKGROUND

2. On February 28, 2002, a Commission agent from the Norfolk, Virginia Resident Agent Office ("Norfolk Office") inspected Madison's five Lynchburg, Virginia antenna structures, which were used as an antenna array for station WLVA(AM). The agent observed that none of the five antenna structures had the ASR numbers posted on or near the base of the structures. The agent also observed that the requisite painting on each antenna structure was faded and chipped such that it failed to provide good visibility. On April 29, 2002, the Norfolk Office issued a *Notice of Apparent Liability for Forfeiture* ("NAL")⁵ for \$12,000 to Madison for violating Sections 17.4(g) and 17.50 of the Rules. Madison filed an

¹ *Madison Broadcasting Group, Inc.*, 17 FCC Rcd 16081 (Enf. Bur. 2002).

² 47 U.S.C. § 503(b).

³ 47 C.F.R. § 1.80.

⁴ 47 C.F.R. §§ 17.4 and 17.50.

⁵ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 20023264002 (Enf. Bur., Norfolk Office, released April 29, 2002).

initial response on May 15, 2002. On May 17, 2002, Madison filed a supplemental response. After considering Madison's responses to the *NAL*, the Bureau rejected Madison's arguments and issued a *Forfeiture Order* upholding the *NAL*. On September 18, 2002, Madison filed an application for review of the *Forfeiture Order* issued in this proceeding. Subsequently, on February 19, 2003, Madison submitted a request to have its application for review treated as a Petition for Reconsideration pursuant to Section 405 of the Act.⁶ We are granting its request and treating it as such.

III. DISCUSSION

3. Madison has assigned the license of WLVA(AM) and is no longer a Commission broadcast licensee. Further, the five Lynchburg antenna structures previously owned by Madison have been dismantled and Madison does not own any other towers. After reviewing the particular circumstances in this case, and per the discretion authorized by Section 504(b) of the Act,⁷ and implemented by Section 1.80(i) of the Rules,⁸ we conclude that cancellation of the \$12,000 forfeiture is warranted.

4. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Act and Section 1.80(i) of the Rules, the \$12,000 forfeiture issued to Madison Broadcasting Group, Inc. **IS CANCELLED**, and that pursuant to Sections 405 of the Act and 1.106 of the Rules,⁹ Madison's Petition for Reconsideration **IS** hereby **GRANTED**.

5. **IT IS FURTHER ORDERED** that, a copy of this *Order* shall be sent by regular mail and Certified Mail Return Receipt Requested to Lauren A. Colby, Esq., counsel for Madison Broadcasting Group, Inc., at 10 E. Fourth Street, P.O. Box 113, Frederick, MD 21705-0113.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁶ 47 U.S.C. § 405.

⁷ 47 U.S.C. § 504(b).

⁸ 47 C.F.R. § 1.80(i).

⁹ 47 C.F.R. § 1.106.