

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

In the matter of)	
)	
WGUL-FM, Inc.)	File Number EB-03-TP-457
Owner of Antenna Structure Registration Number)	
1027884 in Lecanto, Florida)	NAL/Acct. No. 200432700012
Palm Harbor, Florida)	
)	FRN 0005815832

MEMORANDUM OPINION AND ORDER

Adopted: June 22, 2004

Released: June 24, 2004

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we cancel a thirteen thousand dollar (\$13,000) *Notice of Apparent Liability for Forfeiture* (“*NAL*”)¹ issued to WGUL-FM, Inc. (“WGUL-FM”) for its apparent willful and repeated violation of Sections 17.51(a)² and 17.57³ of the Commission’s Rules (“*Rules*”). The alleged violation involved WGUL-FM’s failure to exhibit the required red obstruction lighting on antenna structure #1027884 from sunset to sunrise and failure to notify the Commission immediately upon any change in ownership information. Based on our review of WGUL-FM’s response to the *NAL*, we conclude that, contrary to the contemporaneous statements made by WGUL-FM employees at the time of the inspection, WGUL-FM is not the owner of antenna structure #1027884. Thus, we conclude that no forfeiture should be imposed against WGUL-FM.

2. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Communications Act of 1934, as amended, and Section 1.80(f)(4) of the Rules,⁴ the instant *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200432700012, **IS CANCELLED**.

3. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent first class mail and certified mail, return receipt requested, to WGUL-FM, Inc., 35048 US Highway 19, North, Palm Harbor, FL 34684 and James A. Koerner, Counsel for WGUL-FM, Inc., 5809 Nicholson Lane, Suite 124, North Bethesda, MD 20852-5706.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹*Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200432700012 (Enf. Bur., Tampa Office rel. March 8, 2004).

²47 C.F.R. § 17.51(a).

³47 C.F.R. § 17.57.

⁴*See* 47 U.S.C. § 504(b); 47 C.F.R. § 1.80(f)(4).