

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

In the Matter of)	File No. EB-03-DL-228
)	
SM Radio, Inc.)	NAL/Acct. No. 200432500002
Licensee of KUOL(AM))	
)	
San Marcos, Texas)	FRN 0010-0455-32

FORFEITURE ORDER

Adopted: March 31, 2004

Released: April 5, 2004

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of seven thousand dollars (\$7,000) to SM Radio, Inc. (“SM Radio”), licensee of KUOL(AM), San Marcos, Texas, for willful violation of Section 73.1125 of the Commission’s Rules (“the Rules”).¹ The noted violation involves SM Radio’s failure to maintain a main studio in its community of license.

2. On December 24, 2003, the District Director of the Commission’s Dallas, Texas Field Office (“Dallas Office”) issued a *Notice of Apparent Liability for Forfeiture* (“NAL”)² in the amount of \$7,000 to SM Radio. SM Radio has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. Finally, we note that it is unclear from the record before us what steps, if any, SM Radio has taken to correct the violation cited in the NAL and to ensure that this violation does not recur. Accordingly, we will require, pursuant to Section 308(b) of the Communications Act of 1934, as amended, (“Act”),³ that SM Radio submit a report to the Enforcement Bureau within 30 days of the release of this order outlining what measures it has taken or will take to correct the violation and ensure that this does not recur. SM Radio’s report must be submitted in the form of an affidavit or declaration.⁴

4. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the (“Act”),⁵ and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules, SM Radio, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$7,000 for willfully violating Section 73.1125 of the Rules.

¹ 47 C.F.R. § 73.1125.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332500011 (Enf. Bur., Dallas Office, released December 19, 2003). An Erratum was released on January 9, 2004, which corrected the NAL to indicate that the NAL/Acct. No. is 200432500002.

³ U.S.C. § 308(b).

⁴ Such affidavit or declaration should comply with Section 1.16 of the Rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein.

⁵ 47 U.S.C. § 503(b).

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules⁶ within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁷ Payment shall be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200432500002, and FRN 0010-0455-32. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁸

6. **IT IS FURTHER ORDERED** that, pursuant to Section 308(b) of the Act, SM Radio, Inc. must submit the report described in paragraph 3 no later than thirty (30) days from the date of release of this Order to: Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division, 445 12th Street, S.W., Washington, D.C. 20554, Attention: Carmen Suarez.

7. **IT IS FURTHER ORDERED** that this *Order* shall be sent by regular mail and by certified mail, return receipt requested, to SM Radio, Inc., P.O. Box 252, McAllen, Texas 78502.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁶ 47 C.F.R. § 1.80.

⁷ 47 U.S.C. § 504(a).

⁸ See 47 C.F.R. § 1.1914.