

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

In the Matter of )
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)
AMERICAN FAMILY ASSOCIATION ) File No. EB-02-IH-0819
) NAL/Acct. No. 200432080203
) FRN 0005025911
Licensee of Station KBMP(FM), ) Facility ID No. 91037
Enterprise, Kansas )

ORDER

Adopted: July 21, 2006

Released: July 21, 2006

By the Deputy Chief, Enforcement Bureau:

1. By this Order, we cancel the forfeiture imposed in the Order on Reconsideration, released on June 23, 2006, in the above-captioned case concerning American Family Association ("AFA"), licensee of non-commercial educational Station KBMP(FM), Enterprise, Kansas. The Order on Reconsideration imposed a \$3000 forfeiture on AFA for its failure to respond fully to a Letter of Inquiry ("LOI") concerning an apparent violation of the main studio rule by KBMP(FM). On July 18, 2006, AFA submitted a "Supplemental Request for Reconsideration of Forfeiture" contesting some characterizations in the Order on Reconsideration of its LOI response and reiterating its belief that a forfeiture was not justified in this case given the nature and intent of it response.

2. While licensees are expected to respond fully to requests for information, and the LOI in this case placed AFA on clear and unambiguous notice of that fact, we do not now believe that AFA's omission warrants the imposition of a monetary forfeiture. AFA's omission was based on an openly expressed albeit mistaken understanding of our requirements. We find no evidence that AFA intentionally did not respond fully with the Commission's information requests. Indeed, AFA made efforts to respond to our requests as rapidly as possible and ultimately filed its original response to the Commission's inquiry ten days prior to its due date and invited the Commission to contact it if further clarification was required. We conclude that AFA's overall intention was to comply with the Bureau's request, even if AFA failed to do so materially in the body of that response. Although we conclude that the unique circumstances in this case justify rescission of the \$3,000 forfeiture imposed on AFA, we remind the licensee that, in the future, its responses to Commission inquiries should be complete and

1 See American Family Association, Order on Reconsideration, DA 06-1307 (Enf. Bur. rel. June 23, 2006) ("Order on Reconsideration").

2 Letter from William D. Freedman, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, to Patrick J. Vaughn, dated November 13, 2003 ("LOI").

3 The main studio rule is set forth in section 73.1125 of the Commission's rules, 47 C.F.R. § 73.1125.

4 See LOI at 1.

timely filed unless it has actively sought and received express Commission consent to do otherwise.<sup>5</sup>

3. **ACCORDINGLY, IT IS ORDERED**, that pursuant to sections 0.111 and 0.311 and 1.113 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311 and 1.113, the \$3,000 forfeiture imposed in the *Order on Reconsideration*, released on June 23, 2006, **IS HEREBY CANCELED**.

4. **IT IS FURTHER ORDERED**, that a copy of this *Order* shall be sent by certified mail, return receipt requested, to Patrick J. Vaughn, General Counsel, American Family Association, P.O. Drawer 2440, Tupelo, Mississippi 38803.

FEDERAL COMMUNICATIONS COMMISSION

Robert H. Ratcliffe  
Deputy Chief, Enforcement Bureau

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<sup>5</sup> Licensees are generally expected to respond fully to requests for information from the Commission. *See, e.g., SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, ¶ 4 (2002).