

to properly register each of its antenna structures.³ Renda submitted a response to the *NAL* on May 15, 2006.⁴ Renda does not dispute the findings in the *NAL*, but requests a reduction in the forfeiture amount based on its history of compliance with the Commission's rules.

III. DISCUSSION

4. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended ("Act"),⁵ Section 1.80 of the Rules,⁶ and the *Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*.⁷ In assessing forfeitures, Section 503(b)(2)(D) of the Act requires that we take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.⁸

5. We decline to reduce the proposed forfeiture amount based on Renda's claim that it has a history of compliance with the Commission's rules. Renda erroneously states that "this is the first and only FCC violation in Renda Broadcasting's 30 years of group radio station ownership."⁹ As noted above, the *NAL* at issue here was preceded by the issuance of an NOV in 2001. In addition to the violation for failure to separately register the two WJAS towers, the NOV included violations for (1) failure to enclose the WJAS towers within effective locked fences, (2) failure to transmit Emergency Alert System ("EAS") tests, (3) failure to monitor two EAS sources, (4) failure to post the Chief Operator designation, (5) failure to maintain a copy of the most recent ownership report in the station's public inspection file, and (6) failure to maintain issues/programs lists in its public inspection file.¹⁰ Further, the Dallas Office issued an NOV on October 22, 2001 to Anthony F. Renda, dba KBEZ Renda Broadcasting, regarding antenna structure number 1011460 and on May 20, 2002, the Philadelphia Office issued an NOV to Renda Broadcasting Inc. regarding AM station WPTT in McKeesport, PA.¹¹

³ *Renda Broadcasting Corporation of Nevada*, Notice of Apparent Liability for Forfeiture, NAL/Acct. No. 20063240001 (Enf. Bur., Philadelphia Office, February 27, 2006) ("*NAL*").

⁴ The Philadelphia Office orally granted Renda an extension of time in which to file its response to the *NAL*.

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. § 1.80.

⁷ 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) ("*Forfeiture Policy Statement*").

⁸ 47 U.S.C. § 503(b)(2)(D).

⁹ We note that violations and apparent violations against Renda's parent, sister, or commonly controlled companies are properly imputed to Renda to determine whether a reduction based on its past history claim is appropriate. *See, e.g., Petracom of Texarkana, L.L.C.*, 19 FCC Rcd 8096, 8098 ¶ 7 (Enf. Bur. 2004) (rejecting the licensee's past compliance claim because a Forfeiture Order had been issued against its sister company).

¹⁰ *See Renda Broadcasting Corporation*, NOV, File No. EB-01-PA-012 (rel. January 17, 2001).

¹¹ *Anthony F. Renda, dba KBEZ Renda Broadcasting*, Notice of Violation, File No. EB-01-DL-0776 (rel. October 22, 2001)(failure to cancel a duplicate antenna structure registration; failure to paint antenna structure as often as necessary to maintain good visibility); *Renda Broadcasting, Inc.*, Notice of Violation, File No. EB-02-PA-207 (rel. May 20, 2002)(failure to make entries in station logs of adjustments in station parameters and improper functioning of obstruction lighting; failure of Chief Operator to sign and date station logs; failure to maintain service contour maps and issues programs lists in public inspection file; failure to paint antenna structure as often as necessary to maintain good visibility; failure to transmit required weekly Emergency Alert System tests; failure to maintain the station's minimum antenna input power; and failure to notify FCC of change in antenna structure ownership).

6. We have examined the *Response* to the *NAL* pursuant to the statutory factors above, and in conjunction with the *Forfeiture Policy Statement*. As a result of our review, we conclude that Renda willfully and repeatedly violated Section 17.4(a) of the Rules. Considering the entire record and the factors listed above, we find that neither reduction nor cancellation of the proposed \$3,000 forfeiture is warranted.

IV. ORDERING CLAUSES

7. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,¹² and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,¹³ Renda Broadcasting Corporation of Nevada **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.4(a) of the Rules.

8. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) days of the release of this *Order*. If the forfeiture is not paid within the period specified, that case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.¹⁴ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for full payment under an installment plan should be sent to: Associate Managing Director, Financial Operations, 445 12th Street, S.W., Room 1A625, Washington, D.C. 20554.¹⁵

9. **IT IS FURTHER ORDERED** that a copy of this *Forfeiture Order* shall be sent by Certified Mail, Return Receipt Requested, and regular mail, to Renda Broadcasting Corporation of Nevada at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Russell Monie, Jr.
Regional Director, Northeast Region
Enforcement Bureau

¹² 47 U.S.C. § 503(b).

¹³ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

¹⁴ 47 U. S. C. § 504(a).

¹⁵ See 47 C.F.R. § 1.1914.