

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

In the Matter of	)	
	)	File Number: EB-06-TP-027
CSN International	)	
Licensee of WYJC (FM), Tallahassee, Florida	)	NAL/Acct. No. 200732700001
Facility ID No. 122010	)	
	)	FRN 0008-1031-37

**ORDER**

**Adopted:** November 8, 2006

**Released:** November 13, 2006

By the Regional Director, South Central Region, Enforcement Bureau:

**I. INTRODUCTION**

1. By this *Order* (“*Order*”), we cancel the proposed four thousand dollar (\$4,000) forfeiture issued to CSN International, licensee of WYJC(FM), Tallahassee, Florida (“CSN”) for the apparent willful violation of Section 73.3527 of the Commission’s Rules.<sup>1</sup> We also admonish CSN for failing to make available a complete public inspection file.

**II. BACKGROUND**

2. On April 6, 2006, agents from the Commission’s Tampa Office of the Enforcement Bureau (“Tampa Office”) conducted an inspection of station WYJC located in Tallahassee, Florida. During regular business hours, the agents requested to inspect the station’s public inspection file. The station’s General Manager was unable to produce copies of the station’s Issues-Program lists for any quarter or copies of the station’s local public notice announcements.

3. On October 4, 2006, the Tampa Office issued a *Notice of Apparent Liability for Forfeiture* to CSN in the amount of four thousand dollars (\$4,000) for the apparent willful violation of Section 73.3527 of the Rules.<sup>2</sup> On October 13, 2006, the Tampa Office received CSN’s response to the *NAL* requesting a reduction or cancellation of the proposed forfeiture.

**III. DISCUSSION**

4. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act,<sup>3</sup> Section 1.80 of the Rules,<sup>4</sup> and *The Commission’s Forfeiture Policy Statement and*

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<sup>1</sup> 47 C.F.R. § 73.3527.

<sup>2</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200732700001 (Enf. Bur., Tampa Office, October 4, 2006) (“*NAL*”).

<sup>3</sup> 47 U.S.C. § 503(b).

<sup>4</sup> 47 C.F.R. § 1.80.

*Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087 (1997), recon. denied, 15 FCC Rcd 303 (1999) (“*Forfeiture Policy Statement*”). In examining CSN’s response, Section 503(b) of the Act requires that the Commission 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 other such matters as justice may require.<sup>5</sup>

5. Section 73.3527(a)(2) of the Rules requires non-commercial broadcast stations to maintain for public inspection, a file containing materials listed in that section.<sup>6</sup> Section 73.3527(c)(1) of the Rules states that the file shall be available for public inspection at any time during regular business hours. Section 73.3527(e)(8) of the Rules requires licensees to place in the public inspection file, for each calendar quarter, a list of programs that have provided the station’s most significant treatment of community issues during the preceding three month period.<sup>7</sup> This list is known as the radio issues/programs list. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter. Section 73.3527(e)(10) of the Rules requires applicants for renewal of licenses to place in the public inspection file local public notice announcements.<sup>8</sup> On April 6, 2006, in response to a request made to inspect the station’s public file during normal business hours, station WYJC was unable to produce any copies of the station’s radio issues/programs lists for any quarter or any copies of the station’s local public notice announcements, and there was no evidence that these items were ever in the file.

6. In its response to the *NAL*, CSN requests that the forfeiture be cancelled or reduced because it has only been on the air since August 2005 and its license was granted November 9, 2005. It also notes that it is not a renewal applicant and is not required to maintain local public notice announcements. Based on this new information, we cancel the proposed forfeiture for violation of Section 73.3527 of the Rules. CSN, however, is incorrect that it was not required to maintain any issues/programs lists in its public file.<sup>9</sup> Accordingly, we admonish CSN for failing to maintain and make available a complete public inspection file.

#### IV. ORDERING CLAUSES

7. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,<sup>10</sup> and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,<sup>11</sup> the forfeiture in the amount of four thousand dollars (\$4,000) for violation of Section 73.3527 of the Rules proposed in the October 4, 2006 *Notice of Apparent Liability* issued to CSN International **IS**

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<sup>5</sup> 47 U.S.C. § 503(b)(2)(D).

<sup>6</sup> 47 C.F.R. § 73.3527(a)(2).

<sup>7</sup> 47 C.F.R. § 73.3527(e)(8).

<sup>8</sup> 47 C.F.R. § 73.3527(e)(10).

<sup>9</sup> Section 73.3527(a)(1) of the Rules states that once an application for a construction permit for a new station is granted, paragraph (a)(2) of this section shall apply. Paragraph (a)(2), as discussed above, requires non-commercial broadcast stations to maintain the materials described in paragraphs (e)(1) through (e)(11) of this section. According to the Commission’s database, the original construction permit for station WKJC(FM) was granted August 9, 2002. However, as station WKJC(FM) went on the air in August 2005, it did not air any programs dealing with community issues prior to August 2005.

<sup>10</sup> 47 U.S.C. § 503(b).

<sup>11</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4), 17.51(a).

**CANCELED.**

8. **IT IS FURTHER ORDERED** that CSN International **IS ADMONISHED** for failure to make available a complete public inspection file in willful violation of Section 73.3527 of the Commission's Rules.

9. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail Return Receipt Requested to CSN International at its record of address and to its attorney, Lauren A. Colby, Attorney at Law, PO Box 113, Frederick, MD 21705-0113.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton  
Regional Director, South Central Region  
Enforcement Bureau