



Federal Communications Commission
Washington, D.C. 20554

February 17, 2006

DA 06-369

Released: February 17, 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Raycom America License Subsidiary, LLC
WECT(TV)
RSA Tower, 20th Floor
201 Monroe Street
Montgomery, AL 36104

Re: Raycom America License Subsidiary, LLC
WECT(TV), Wilmington, NC
Facility ID No. 48666
File No. BRCT-20040726ADD
NAL/Acct. No. 0641420034
FRN: 0011561321

Dear Licensee:

This letter constitutes a NOTICE OF APPARENT LIABILITY FOR FORFEITURE in the amount of four thousand dollars (\$4,000) pursuant to Section 503(b) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 503(b), for willful and repeated violations of the Commission's rule requiring commercial television broadcast stations to place in the station's public inspection file TV issues/programs lists for each calendar quarter.

Section 73.3526 of the Commission's Rules (Rules) requires broadcast licensees to maintain a public inspection file containing specific types of information related to station operations.¹ Section 73.3526(e)(11)(i) provides that a TV issues/programs list is to be placed in a commercial TV broadcast station's public inspection file each calendar quarter. Where lapses occur in maintaining the public file, neither the negligent acts nor omissions of station employees or agents, nor the subsequent remedial actions undertaken by the licensee, excuse or nullify a licensee's rule violation.²

On July 26, 2004, you filed an application for renewal of license (FCC Form 303-S) for station WECT(TV), Wilmington, North Carolina (File No. BRCT-20040726ADD). In response to Section IV, Question 3 of that application, you certify that, during the previous license term,

¹ See 47 C.F.R. § 73.3526.

² See *Padre Serra Communications, Inc.*, 14 FCC Rcd 9709 (1999) (citing *Gaffney Broadcasting, Inc.*, 23 FCC 2d 912, 913 (1970) and *Eleven Ten Broadcasting Corp.*, 33 FCC 706 (1962)); *Surrey Range Limited Partnership*, 71 RR 2d 882 (FOB 1992).

station WECT(TV) failed to place in its public inspection file at the appropriate times, all of the documentation required by Section 73.3526 of the Commission's Rules. In Exhibit 17 of that application, you indicate that during a review of the station's public inspection file, the licensee discovered that TV issues/programs lists for four quarters, the fourth quarter of 2000 through the third quarter of 2001 were missing. You state that these documents have been re-created based on the station's records and placed in the public inspection file. Finally, you describe measures taken to prevent future violations.

Raycom America License Subsidiary, LLC's (Raycom) failure to place TV issues/programs lists in the public inspection file for station WECT(TV) constitutes a willful and repeated violation of Sections 73.3526(e)(11)(i) of the Rules. Section 503(b) of the Act provides that any person who willfully or repeatedly fails to comply substantially with the terms and conditions of any license, or willfully fails to comply with any of the provisions of the Act or of any rule, regulation or order issued by the Commission thereunder, shall be liable for a forfeiture penalty.³ In determining the appropriate forfeiture amount, we must consider the factors enumerated in Section 503(b)(2)(D) of the Act, including "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."⁴

The Commission's Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines (Forfeiture Policy Statement) and Section 1.80 of the Rules establish a base forfeiture amount of \$10,000 for public file violations.⁵ In this case, the licensee has corrected the violation and instituted measures to prevent its recurrence. Nevertheless, TV issues/programs lists for four quarters were missing from the public file. Considering the record as a whole, we believe that a \$4,000 forfeiture is appropriate for the violation in this case.

Accordingly, IT IS ORDERED that, pursuant to Section 503(b) of the Act, and Sections 0.283 and 1.80 of the Rules, Raycom America License Subsidiary, LLC is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of four thousand dollars (\$4,000) for willful and repeated violations of Section 73.3526(e)(11)(i) of the Rules.

IT IS FURTHER ORDERED that, pursuant to Section 1.80 of the Commission's Rules, within thirty days of the release date of this Notice of Apparent Liability, Raycom America License Subsidiary, LLC SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal

³ 47 U.S.C. § 503(b).

⁴ 47 U.S.C. § 503(b)(2)(D); *see also Forfeiture Policy Statement*, 12 FCC Rcd 17087, 17100 (1997), *recon. denied*, 15 FCC Rcd 303 (1999); 47 C.F.R. § 1.80(b)(4).

⁵ 47 C.F.R. § 1.80(b)(4), Note to paragraph (b)(4): Section I. Base Amounts for Section 503 Forfeitures; *Forfeiture Policy Statement*, 12 FCC Rcd at 17113, Appendix A, Section I.

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, at 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 the installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁶

Finally, IT IS FURTHER ORDERED that, a copy of this Notice of Apparent Liability shall be sent by First Class and Certified Mail, Return Receipt Requested to the licensee at the address listed above, and to William H. Fitz, Esquire, Covington & Burling, 1201 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2401.

Sincerely,

Donna C. Gregg
Chief, Media Bureau

⁶ See 47 C.F.R. § 1.1914.