



Federal Communications Commission
Washington, D.C. 20554

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DA 07-1249

In Reply Refer to:

1800B3-RDH

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Carl J. Sabatino, Executive Director
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The College of Staten Island
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In re: Station WSIA(FM)
Staten Island, New York
Facility ID No. 65557
File No. BRED-20060105AAD

**Petition to Deny and Informal
Objection to Application for License
Renewal**

Dear Petitioner and Licensee:

This letter concerns the above-noted application (the “Application”) filed by the College of Staten Island (the “Licensee”) to renew its license for noncommercial educational (“NCE”) Station WSIA(FM), Staten Island, New York (the “Station”). Also before us is the Petition to Deny the Application filed by The Voice of Staten Island, Inc. (“VSI”) received by the Commission on May 1, 2006 (the “VSI Petition”)¹ and the Informal Objection of Dr. David S. Shear received by the Commission on December 19, 2006 (the “Shear Informal Objection”).² For the reasons set forth below, we grant in part and deny in all other respects the VSI Petition and we deny the Shear Informal Objection. We also admonish the Licensee for its apparent willful and repeated violation of the public inspection file access requirements contained in Section 73.3527(c) of the Commission’s Rules (the “Rules”),³ and grant the Application.

Background. VSI alleges that the Licensee has: (a) abandoned direct management of the Station;⁴ (b) violated the Fairness Doctrine and Section 73.1910 of the Rules by failing to provide

¹ On May 31, 2006, the Licensee filed an Opposition to the VSI Petition (the “Opposition”). On July 11, 2006, the Commission received VSI’s Reply to the Opposition and its request that it be accepted, notwithstanding its late filing (the “Reply”). The Licensee responded with an Opposition to Request for Acceptance of Late-Filed Reply and Motion to Strike (the “Motion to Strike”) filed on July 25, 2006.

² Dr. Shear did not provide a mailing address or other contact information in his Informal Objection. For this reason, his address does not appear above and the Media Bureau is unable to provide him with a copy of this letter.

³ 47 C.F.R. § 73.3527(c).

⁴ VSI Petition at 6-7.

reasonable opportunity for the discussion of conflicting points of view on issues of public importance;⁵ (c) failed to provide programming relating to community issues, offering no “news-related programming;”⁶ (d) failed to “establish a consistent music programming base that administers to the full demographic community;”⁷ (e) violated the Commission’s Emergency Alert System (“EAS”) rules;⁸ and (f) violated the public inspection file rule.⁹ In his Informal Objection, Dr. Shear also alleges that the Licensee has violated the Fairness Doctrine.¹⁰ He also maintains that the Station has caused interference and that the Licensee failed to adequately manage access to the Station tower site or provide emergency back-up power, rendering the Station unable to broadcast in times of emergency.¹¹ In contrast to VSI, which seeks the denial of the Application, Dr. Shear seeks only to “give the FCC pause” to allow for “greater public awareness and discourse, such that a reasonable compromise can be worked out between the current Licensee and . . . members of the community. . . .”¹²

Discussion. *Renewal Standard* - Section 309(k) of the Communications Act of 1934, as amended (the “Act”),¹³ provides that the Commission is to grant a license renewal application if, upon consideration of the application and pleadings, it finds that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse.¹⁴ If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”¹⁵ For the reasons discussed below, neither VSI nor Dr. Shear has demonstrated that the Licensee fails to meet these criteria.

⁵ *Id.* at 1.

⁶ *Id.* at 7.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 4.

¹⁰ Shear Informal Objection at 2.

¹¹ *Id.*

¹² *Id.*

¹³ 47 U.S.C. § 309(k).

¹⁴ 47 U.S.C. §309(k)(1). The renewal standard was amended by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). *See Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, Order, 11 FCC Rcd 6363 (1996).

¹⁵ 47 U.S.C. §§ 309(k)(2), (3).

Procedural Matters. As an initial matter, the Licensee maintains that VSI has failed to demonstrate that it possesses the requisite standing to file a petition to deny the WSIA(FM) Application.¹⁶ We disagree. The Commission has stated that an individual may qualify as a party in interest if he or she resides within the station's service area,¹⁷ and that a petitioning group must affirmatively state in an affidavit that at least one of its members is an actual listener of the subject station.¹⁸ The Licensee overlooks the fact that, in their Declarations provided with the Petition, VSI members Carl J. Sabatino and Vincent Medugno each represents that he is a resident of Staten Island, the former states that he is Executive Director of VSI and the latter states that he has been a member of the Station. Moreover, in its Opposition, the Licensee points out that Mr. Sabatino "has had previous, extensive dealings with WSIA,"¹⁹ and does not challenge VSI's representation in its Petition that Mr. Medugno is an on-air personality at the Station.²⁰ Under these circumstances, we conclude that VSI has the requisite standing to file its Petition here.

Moreover, we will grant the Licensee's Motion to Strike the Reply and deny VSI's Request for Acceptance of Late-Filed Reply. The Reply was filed late,²¹ and VSI has not demonstrated good cause why it could not have been timely filed.²² Accordingly, we will not further consider the Reply.²³

Substantive Matters. A petition to deny must, pursuant to Section 309(d)(1) of the Act, provide properly supported specific allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be inconsistent with the public interest, convenience, and necessity.²⁴ Informal objections, like petitions to deny, must also make such a showing and contain

¹⁶ Opposition at 4-6.

¹⁷ *Petition for Rulemaking to Establish Standards for Determining the Standing of a Party to Petition to Deny a Broadcast Application*, Memorandum Opinion and Order, 82 FCC 2d 89, 98 (1980); *see also Lee Shubert, Esq.*, Letter, 21 FCC Rcd 7827, 7828 (MB 2006).

¹⁸ *In Re Application of Tabback Broadcasting Company*, Memorandum Opinion and Order, 15 FCC Rcd 11899, 11900 (2000) ("*Tabback*"). VSI characterizes itself as "an advocate, and champion of causes in the public interest" that "has served Staten Island by actively monitoring the concerns of the community, and together with civic, community and political leaders, [VSI] has facilitated essential changes in services and programs to better the quality of life for the citizens of this community." VSI Petition at 5.

¹⁹ Opposition at 3-4.

²⁰ VSI Petition at 5.

²¹ The deadline for VSI to reply to the Licensee's May 31, 2006, Opposition was June 20, 2006. *See* 47 C.F.R. § 73.3584(b). As noted, *supra*, VSI's Reply was not received by the Commission until July 11, 2006. A pleading is considered to have been filed when it is received by the Commission. *See* 47 C.F.R. § 1.7.

²² VSI states that it did not timely file the Reply because it was "in the process of exhausting all possibilities in an attempt to gain pertinent information regards [sic] specific issues in this matter." Reply, cover page.

²³ In any event, the Reply fails to raise any issue of decisional significance, nor does it contain the affidavit of an individual with personal knowledge of the facts asserted therein. *See* 47 C.F.R. § 309(d)(1).

²⁴ *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990).

adequate and specific factual allegations sufficient to warrant the relief requested.²⁵ As discussed further below, although we agree with VSI that the Licensee has violated the public file rule, and accordingly, we grant the VSI Petition in part, we believe that the facts require an admonishment, not denial of the Application. Neither VSI nor Dr. Shear has presented specific factual allegations sufficient to raise a *prima facie* case that grant of the Application would be inconsistent with the public interest. Accordingly, we will otherwise deny the VSI Petition and deny the Shear Informal Objection.

The VSI Petition. The basis for VSI's unauthorized transfer of control allegation is that the Licensee has improperly delegated management of the Station to the Licensee College's Student Union.²⁶ VSI has failed to present any specific facts or evidence which support this contention. Thus, it fails to meet the requirement for an informal objection as set forth in *Area Christian, supra*. To the extent that VSI maintains that the Licensee's delegation of certain Station functions constitutes such an abandonment, the Commission has long held that a licensee, and particularly one of an NCE station, may delegate certain operational responsibilities, provided it retains ultimate control over all aspects of its broadcast operations.²⁷ VSI has not demonstrated through its general allegations that the Licensee has failed to retain such control.

VSI's claim that the Licensee does not allow for the discussion of conflicting views with respect to controversial issues of public importance, in violation of Section 73.1910 of the Rules,²⁸ is likewise unavailing. Not only has VSI provided no factual support for this general and conclusory allegation, in 1987, the Commission ceased enforcement of the Fairness Doctrine, codified in Section 73.1910 of the Rules, after determining that such enforcement no longer served the public interest.²⁹ Accordingly, even if VSI had supported its contention with specific instances of WSIA(FM)'s alleged failure to air conflicting views on controversial issues of public importance, such a showing would not establish that the Application should be not be granted.³⁰

Next, VSI contends that the Licensee has failed to present programming responsive to issues facing its community. It states that "the Licensee has failed to meet minimum standards for community

²⁵ *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) ("*Area Christian*").

²⁶ VSI maintains that "the licensee of record does not directly manage the broadcast facility. The responsibility rests with the Student Union of the College of Staten Island and the student-run board of directors whereas the Licensee has failed to provide adequate supervision or leadership in the operation of the station." VSI Petition at 7. VSI provides no support for these claims. In response, the Licensee asserts that there is no administrative entity called the "Student Union." It states that there is a student-run Board of Directors that works with a professional Station General Manager or, when that position is vacant, the Director of Student Life. See Opposition at 11, n. 23, and 12.

²⁷ See, e.g., *Alabama Educational Television Commission*, Memorandum Opinion and Order, 33 FCC 2d 495, 508 (1972).

²⁸ 47 C.F.R. § 73.1910.

²⁹ See *Syracuse Peace Council v. WTVH(TV)*, Memorandum Opinion and Order, 2 FCC Rcd 5043 (1987) ("*Syracuse*"), *aff'd*, 867 F.2d 654 (D.C. Cir. 1989), *cert. denied* 110 S. Ct. 717 (1990). The First Amendment to the U.S. Constitution and Section 326 of the Act, which expressly prohibits the Commission from interfering with the right of free speech by broadcast licensees, require the Commission to so defer to the judgment of its licensees. 47 U.S.C. § 326.

³⁰ See *Richard C. Young*, Letter, 21 FCC Rcd 6900, 6902 (MB 2006).

affairs programming on the station”³¹ and that there is a lack of news presented on the Station. The Licensee denies this, arguing that, contrary to VSI’s allegations, the Station offers substantial programming of interest to the community of Staten Island, including news and public interest programs.³²

Licensees have a duty to respond to local needs and issues by choosing appropriate programming. They also have broad discretion to determine, in good faith, the issues they believe to be of concern to their communities and the manner in which to address those issues.³³ The Commission may intervene in circumstances in which a licensee has abused this discretion. For instance, we may consider whether a licensee offers such nominal levels of issue-responsive programming as to have defaulted on this core obligation.³⁴ However, VSI has failed to provide specific allegations of fact that call for further inquiry regarding whether the Licensee has abused its broad discretion or otherwise failed to meet this programming obligation.³⁵

VSI next alleges that the Station’s musical and entertainment programming is not directed toward the full demographic Staten Island community. This attempt to seek denial of the Application by format-based public interest analysis is without legal basis. For the reasons noted in the preceding paragraph, it is also the Commission’s general policy to leave format issues to the discretion of the licensee.³⁶ This is particularly so with regard to NCE broadcast stations. The Commission historically “has had the appropriately limited role of facilitating the development of the public broadcasting system rather than determining the content of its programming.”³⁷ As stated above, licensees have a duty to respond to local needs and issues and broad discretion to air programming that addresses such community needs. Accordingly, the alleged lack of diversity in the music aired over the Station is not a matter for Commission consideration, even if the Petitioners disagree with the Licensee’s programming choices. Although the Commission remains concerned with “localism”³⁸ in broadcasting, no Commission rule requires a station to air programming which features local artists and musicians.³⁹

³¹ VSI Petition at 4.

³² Opposition at 7-8.

³³ *Time-Life Broadcast, Inc.*, Memorandum Opinion and Order, 33 FCC 2d 1081, 1092 (1972). See also *Office of Communication of United Church of Christ v. FCC*, 707 F.2d 1413, 1431 (D.C. Cir 1983), and *Broadcast Localism*, Notice of Inquiry, 19 FCC Rcd 12425, 12429 (2004) (“*Broadcast Localism NOI*”).

³⁴ See, e.g., *Philadelphia Radio Stations*, Memorandum Opinion and Order, 5 FCC Rcd 3487, 3487-88 (1990).

³⁵ See *Area Christian* at 864.

³⁶ See *Changes in the Entertainment Formats of Broadcast Stations*, Memorandum Opinion and Order, 60 FCC 2d 858 (1976).

³⁷ *Revision of Programming Policies and Reporting Requirements Related to Public Broadcasting Licensees*, Notice of Proposed Rule Making, 87 FCC 2d 716, 732 (1981).

³⁸ See generally, *Broadcast Localism NOI*.

³⁹ VSI Petition at 4.

VSI also claims that the Licensee “does not have a plan of response, contingency, or back-up system in the occurrence of an announced national, state, or local emergency for the continuation of broadcast operations in the event of the [loss] of Island wide electrical power.”⁴⁰ VSI maintains that the Licensee therefore has violated Sections 11.1 and 11.11 of the Commission’s EAS Rules, as well as Section 73.1250 of the Rules. VSI has failed to support either allegation with specific information.⁴¹ Additionally, Section 73.1250 of the Rules does not require stations to have an emergency plan to remain operational during emergencies. Nevertheless, the Licensee has demonstrated that it has such a plan.⁴² Moreover, with respect to VSI’s reference to the Commission’s EAS rules, VSI has provided no evidence that the Station’s EAS equipment is not functional or that the Licensee has otherwise violated those requirements.

Finally, VSI alleges that the Licensee has failed to provide public access to the Station’s public inspection file, in violation of Section 73.3527 of the Rules. In support of these allegations, it provides the Affidavit of Wendy Nguyen, who claims that, on April 10 and 11, 2006, she attempted on three occasions to inspect the Station public file and, each time, she was denied access, having been told by Station personnel that no one could assist her and that she should “come back.”⁴³ Similarly, in her Affidavit provided with the Petition, Samantha Zito contends that, when she attempted to inspect the public file, she was advised to submit a written request to see the file to John Ladley, the Station’s Chief Engineer. After making such a request, she states that she made further inquiry and was shown the file. She relates that, apparently at her request, a Station worker made copies of certain materials from the file, but that the Station’s Engineering Director intervened and stated that she “was not allowed to have copies nor review the public record.” She states further that, when she protested, someone at the Station called the College of Staten Island Security, which escorted her to Office of Carol Jackson, the College’s Vice President. Ms. Zito states that, although Ms. Jackson informed her that the copies would be forwarded to her, Ms. Zito has not received those materials.⁴⁴

With regard to Ms. Nguyen’s allegations, in his unsworn Statement provided as Exhibit B to the Opposition, Mr. Ladley states only that he could find no Station member who could recall her attempts to inspect the file and that no one came to him concerning her requests. He indicates further that he was not present at the station “on the day of the incident” involving Ms. Zito, but that he has learned that she was granted access to the file and to the Station copying machine. He states that she was “asked to leave” when a Station member observed that she was making “an excessive number of copies,” whereupon she became disruptive and was removed from the Station’s premises.

Reasonable access to the public inspection file serves the important purpose of facilitating citizen monitoring of a station’s operations and public interest performance and fostering community involvement with local stations. This in turn helps ensure that stations are responsive to the needs and

⁴⁰ *Id.*

⁴¹ *See Area Christian* at 864.

⁴² *See* Opposition at Exhibit A (May 5, 2005, Letter from Albert W. Girimonte, Assistant Chief, Patrol Borough Staten Island, regarding protocol to be followed by the Police Department regarding transmission of emergency information on WSIA(FM) in case of a catastrophic event affecting the community of Staten Island).

⁴³ VSI Petition, Affidavit of Wendy Nguyen, dated April 27, 2006.

⁴⁴ *Id.*, Affidavit of Samantha Zito, dated April 27, 2006.

interests of their local communities.⁴⁵ A public file must be available for public inspection at any time during regular business hours and a licensee may not require that a member of the public make an appointment in advance or return at another time to inspect the public file.⁴⁶

After reviewing the record before us, we conclude that the Licensee violated Section 73.3527(c) of the Rules by failing to make available immediately its public file when requested by Ms. Nguyen and Ms. Zito and to provide copies of materials in the file to Ms. Zito. While the Licensee is correct that we have recognized that “noncommercial licensees that are also educational institutions have legitimate security considerations which may require them to take precautionary steps that delay their visitors’ access to the stations’ files,”⁴⁷ the precautionary steps at issue in the case in which we made that observation delayed access for less than half an hour. Here, the delays were far longer and there does not appear to have been any legitimate security consideration with respect to the visits in question. Further, the Licensee has not explained how Ms. Zito posed a security concern justifying the termination of her inspection of the file and her ejection from the Station and, therefore, we have no basis on which to conclude that these concerns were reasonable.⁴⁸ As to Ms. Nguyen, in his Statement, Mr. Ladley expresses skepticism that she ever visited the Station, because the Station members were “fully aware of the file and the FCC’s rules regarding access by members of the public,” and, had there been “a question regarding this person’s request,” the situation would have been brought to his attention. In light of the Station staff’s treatment of Ms. Zito, Mr. Ladley’s assumption as to the staff’s understanding of its obligations under the Rule is obviously incorrect.

Section 312(f)(1) of the Act defines as willful “the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate” the law.⁴⁹ The legislative history to Section 312(f)(1) of the Act clarifies that this definition of willful applies to both Sections 312 and 503(b) of the Act⁵⁰ and the Commission has so interpreted the term in the Section 503(b) context.⁵¹ Section 312(f)(2) of the Act provides that “[t]he term ‘repeated,’ when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or

⁴⁵ *Review of the Commission’s Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691, 15700 (1998).

⁴⁶ 47 C.F.R. § 73.3527(c). *See also Availability of Locally Maintained Records for Inspection by Members of the Public*, Public Notice, 13 FCC Rcd 17959 (1998).

⁴⁷ *Isothermal Community College*, Memorandum Opinion and Order, 16 FCC Rcd 21360, 21364 (E.B. 2001).

⁴⁸ The Licensee provides us no basis upon which we can assess whether, as it claims, Ms. Zito’s access to the public file was appropriately revoked after she appeared to Station personnel to be making an “excessive” number of copies. Regardless of the number of copies requested, the Licensee could have charged Ms. Zito for those copies. 47 C.F.R. § 73.3527(c). Therefore, in this instance, we do not believe that the Licensee’s actions were appropriate in terminating Ms. Zito’s access to the public file. We note that, although the Licensee provides a “verification” of Vice President Jackson to sponsor the Opposition, she is silent regarding her interaction with Ms. Zito following Ms. Zito’s ejection from the Station and Ms. Zito’s failure to have received the copies of the file documents that Ms. Jackson allegedly promised would be provided to her.

⁴⁹ 47 U.S.C. § 312(f)(1).

⁵⁰ *See* H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982).

⁵¹ *See Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 (1991).

omission is continuous, for more than one day.”⁵²

In light of the foregoing, we find that the Licensee willfully and repeatedly violated Section 73.3527(c) of the Rules. However, after consideration of the facts and pertinent precedent,⁵³ we do not believe that the imposition of a forfeiture is appropriate for the violations in question. We nevertheless admonish the Licensee for these violations and direct it to take whatever steps are necessary to ensure that all Station staff is made aware of the Licensee’s specific obligations under that Rule and that appropriate procedures are in place for its future compliance with those obligations. In all other respects, we deny the VSI Petition.

The Shear Informal Objection. In his Informal Objection, Dr. Shear alleges a violation by the Licensee of the Fairness Doctrine, as codified in Section 73.1910 of the Rules, and argues that the Station provides minimal programming with regard to any issues relevant to the community of Staten Island. As noted above, the Commission ceased enforcement of the Fairness Doctrine in 1987, and Dr. Shear has provided no evidence that the Licensee abused its broad discretion to determine, in good faith, the issues that it believes to be of concern to Staten Island and how to address those issues with its broadcast programming.

Dr. Shear also maintains that the Licensee: (1) allowed “significant broadcast signal interference to continue for years, despite the fact that this interference consistently degraded the quality of the transmission;”⁵⁴ (2) has failed to properly manage access to the Station tower site for maintenance and repair, forcing Station personnel to either delay necessary work or risk accessing the site in violation of agreements among parties with jurisdiction over site access;⁵⁵ and (3) has failed to provide emergency back-up power rendering the Station unable to broadcast in times of emergency.

In his Informal Objection, Dr. Shear provides no specific, pertinent facts with regard to any of these asserted violations. For example, he has not described the nature of the alleged interference, identified what station or stations are receiving such interference, or offered any other details that would support a conclusion that the Station is not operating in accordance with its authorization or is otherwise violating the Commission’s technical rules. Similarly, his Informal Objection provides no specific facts to support his contention that the Licensee “failed to safeguard” the tower site or to allow timely access to the site for necessary maintenance.⁵⁶ Finally, with regard to the Station’s alleged failure to have emergency back-up power, the Commission has no requirement that broadcast stations be equipped with an emergency power source. Accordingly, we deny the Shear Informal Objection.

⁵² 47 U.S.C. § 312(f)(2).

⁵³ See, e.g., *Tabback, supra*, 15 FCC Rcd at 11900 (admonishing licensee for its refusal on two occasions to permit unrestricted access to its public file).

⁵⁴ Shear Informal Objection at 2.

⁵⁵ *Id.*

⁵⁶ We cannot determine, for example, if Dr. Shear’s allegation involves exposure to the public or maintenance workers of dangerous levels of radiofrequency (“RF”) radiation from the station, for which the Commission has developed standards. See 47 C.F.R. § 1.1310, citing OST/OET Bulletin No. 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation.”

Conclusion/Actions. In light of the foregoing, we conclude that neither VSI nor Dr. Shear has met the burden to demonstrate why the Application should not be granted. Moreover, we find that the Licensee's violation of Section 73.3527(c) of the Rules does not constitute a "serious violation" under Section 309(k) of the Act and that there have been no serious violations of the Act or of the Rules involving Station WSIA(FM), or violations by the College of Staten Island of the Act or Rules which, taken together, would constitute a pattern of abuse. In light of the foregoing, and because we find that NCE Station WSIA(FM) served the public interest, convenience, and necessity during the subject license term, we will grant the Application.

Accordingly, IT IS ORDERED that the Petition to Deny filed by The Voice of Staten Island, Inc. IS GRANTED to the extent indicated and IS DENIED in all other respects. IT IS FURTHER ORDERED that the Informal Objection filed by Dr. David S. Shear IS DENIED.

IT IS FURTHER ORDERED that the Opposition to Request for Acceptance of Late-Filed Reply and Motion to Strike filed by The College of Staten Island IS GRANTED, the Request for Acceptance of Late-Filed Reply filed by The Voice of Staten Island, Inc. IS DENIED, and the July 11, 2006 Reply IS DISMISSED.

IT IS FURTHER ORDERED that The College of Staten Island, licensee of WSIA(FM), Staten Island, New York, IS ADMONISHED for its apparent willful and repeated violation of 47 C.F.R. § 73.3527(c) of the Commission's Rules.

IT IS FURTHER ORDERED, that because the application for renewal of the license for Station WSIA(FM), Staten Island, New York (File No. BRED-20060105AAD), is otherwise in full compliance with the Commission's Rules and the Communications Act of 1934, as amended, and, finding that the public interest, convenience, and necessity would be served thereby, the application IS GRANTED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Felix Gilroy, Esq.
Christopher D. Imlay, Esq.