

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

In the Matter of)	
)	File No. EB-04-TC-067
Channel 51 of San Diego, Inc.)	Facility ID No. 10238
Licensee of KUSI-TV)	NAL/Acct. No. 200532170007
San Diego, CA)	FRN: 0002965655
)	
)	
Apparent Liability for Forfeiture)	
)	

FORFEITURE ORDER

Adopted: September 17, 2008
2008

Released: September 17,

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order (“Order”), we issue a monetary forfeiture¹ in the amount of twenty-five thousand dollars (\$25,000) against Channel 51 of San Diego, Inc. (“Channel 51” or “KUSI” or the “Station”) for willfully or repeatedly violating section 713 of the Communications Act of 1934, as amended (the “Act”),² and section 79.2(b)(1)(i) of the Commission’s rules.³ Channel 51 violated the Act and the Commission’s rules by failing in a timely manner to make accessible to persons with hearing disabilities emergency information that it provided aurally in its programming for KUSI during a wildfire emergency in the San Diego, California area on October 26 and October 27, 2003.

II. BACKGROUND

2. The facts and circumstances surrounding this case are set forth in the Notice of Apparent Liability previously issued by the Enforcement Bureau (“Bureau”) and need not be

¹ See 47 U.S.C. § 503(b)(4)(A). The Commission has authority under this section of the Act to assess a forfeiture penalty against a broadcast licensee if the Commission determines that the licensee has “willfully or repeatedly” failed to comply with the provisions of the Act or with any rule, regulation, or order issued by the Commission under the Act. For a violation to be willful, it need not be intentional. *Southern California Broadcasting Co.*, 6 FCC Rcd 4387 (1991).

² 47 U.S.C. § 613.

³ 47 C.F.R. § 79.2(b)(1)(i).

reiterated at length.⁴ After receiving a complaint, the Bureau sent an inquiry to Channel 51 concerning allegations that KUSI may have failed to make information on wildfires in the San Diego area on October 26 and October 27, 2003, accessible to persons with hearing disabilities.⁵ To assist its evaluation of these allegations, the Bureau directed Channel 51 to provide, among other things, videotapes of its coverage of the wildfires on KUSI. Channel 51 filed a response to the LOI on July 9, 2004, and subsequently provided the videotapes.⁶ Upon review of the videotapes, the Bureau found that Channel 51 failed to provide visual presentation of emergency information about the wildfires on numerous occasions where the information had been aurally presented. The Bureau elected, however, to propose a forfeiture for only those apparent violations where Channel 51 provided visual presentation of emergency information, if at all, after a delay of greater than 30 minutes after the same information was provided aurally.⁷ Under this approach, the Bureau identified 22 examples where Channel 51 left persons with hearing disabilities without the same critical information the station gave to its listening audience. The Bureau further determined that a strict application of the \$8,000 base forfeiture amount for the 22 apparent violations of section 79.2(b)(1)(i) would result in a total proposed forfeiture “that is excessive in light of the circumstances presented.”⁸ Accordingly, on February 23, 2005, the Bureau issued a Notice of Apparent Liability for Forfeiture proposing that Channel 51 pay a forfeiture of twenty-five thousand dollars (\$25,000) for apparently failing in a timely manner to make accessible to persons with hearing disabilities emergency information that it provided aurally. Channel 51 filed a complete response to the NAL on May 10, 2005.⁹

III. DISCUSSION

3. Section 713 of the Act requires the Commission to prescribe rules on Video Programming Accessibility.¹⁰ Pursuant to section 713, the Commission adopted section 79.2 which requires that video programming distributors providing emergency information in the audio portion of programming must provide persons with hearing disabilities with the same access to such information that distributors provide to other viewers, either through a method of closed captioning or by using another method of visual presentation.¹¹ The Commission defined emergency information as “information, about a current emergency, that is intended to further the protection of life, health, safety, and property, i.e., critical details regarding the emergency and how to respond to the emergency.”¹² As examples of critical details, the Commission cited

⁴ *Channel 51 of San Diego, Inc., Notice of Apparent Liability for Forfeiture*, 20 FCC Rcd 3969 (2005) (“NAL”).

⁵ Letter from Colleen K. Heitkamp, Chief, Telecommunications Consumers Division, Enforcement Bureau, FCC, to Michael D. McKinnon, Vice President and Station Manager, KUSI News (May 26, 2004) (“LOI”).

⁶ Letter from Robert B. Jacobi, Counsel for Channel 51, to Peter G. Wolfe, Senior Attorney, FCC (July 9, 2004) (“LOI Response”).

⁷ NAL, 20 FCC Rcd at 3974, para. 11.

⁸ *Id.* at 3975, para. 15.

⁹ Letter to Colleen Heitkamp, Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, from J. Brian DeBoice, Cohn & Marks (May 10, 2005) (“NAL Response”).

¹⁰ 47 U.S.C. § 613.

¹¹ 47 C.F.R. § 79.2(b)(1)(i).

¹² 47 C.F.R. § 79.2(a)(2).

“evacuation orders, detailed descriptions of the areas to be evacuated, ... approved shelters or the way to take shelter in one’s home, ... road closures.”¹³ As discussed in the NAL, the Commission mandated equal accessibility because emergency information is of “equal or greater importance to persons with hearing disability and television plays a critical role in its dissemination.”¹⁴

4. In its NAL Response, Channel 51 makes several general arguments challenging the Commission’s proposed finding that the 22 cited examples found in the NAL were violations of the Commission’s rules.¹⁵ In addition, Channel 51 specifically addresses each of the 22 cited examples with either a reiteration of the station’s general arguments and/or contentions of the facts surrounding the apparent violations described. For the reasons discussed below, we generally disagree with the arguments put forth by the Station.

A. General Arguments

5. Before addressing each of the specific alleged rule violations cited in the NAL, Channel 51 contends that professional journalists must act as “filters” in deciding what information constitutes the “critical details” of an emergency within the meaning of section 79.2.¹⁶ According to the Station, the Commission should therefore accord substantial deference to the “filtering” of news by these professionals in order to effectively implement the Commission’s rules.¹⁷ The Station argues that this “filtering” role allows it to determine which information is sufficiently important and sufficiently confirmed to justify providing that information to persons with hearing disabilities.¹⁸ Specifically, the Station maintains that if information regarding an emergency is not provided as a part of an official order¹⁹ or from an official requesting help in disseminating the information to the public,²⁰ then the information need not be visually presented even if it has been provided aurally. As a basis for this position, the Station contends that it would be dangerous to provide this information to persons with hearing disabilities unless a responsible authority was employing the media to communicate a specific order to evacuate a specific location.²¹ The Station, however, makes much of its role disseminating this information to the hearing public and obviously did so with the intent of aiding in the protection of the life, health, and property of viewers during the emergency created by the wildfires.²² In fact, without receiving police orders, Channel 51 did broadcast aural advice

¹³ Note to 47 C.F.R. § 79.2(a)(2).

¹⁴ NAL, 20 FCC Rcd at 3972, para. 6 (citing the *Second Report and Order*, 15 FCC Rcd 6615, 6619-6620).

¹⁵ NAL Response at vi.

¹⁶ *Id.* at 4-5.

¹⁷ *Id.* at 4-6.

¹⁸ *Id.* at 6-11.

¹⁹ NAL Response at 10, 33, 48 (arguing that the Commission’s rules only require visual presentation of evacuation information when the information is provided to the Station in an official evacuation order).

²⁰ *Id.* at 7-9, 32-33, 56, 80 (arguing the station was not asked by an official to disseminate evacuation information to the public).

²¹ *Id.* at 10-11.

²² *Id.* at 4. KUSI refers to an award received from the International Association of Fire Fighters that reads “The news team stayed on the air for up to 19 hours a day, tracking the path of the flames, reporting the valiant efforts of

(continued....)

that persons should evacuate when they saw flames near their houses.²³ The Station does not explain why it believes it was not “dangerous” and “irresponsible” to provide unfiltered information about the wildfires to the public at large, but it would have been “dangerous” and “irresponsible” to have provided this same information visually to persons with hearing disabilities.

6. Although we generally agree that deference should be given to Channel 51 in how to meet the requirements of section 79.2 of our rules, we cannot defer to a decision not to provide the very critical details noted in our rules. The Commission’s rules define emergency information as the critical details regarding the emergency and how to respond to the emergency.²⁴ The rules offer as examples of those critical details evacuations orders and areas being evacuated.²⁵ Contrary to Channel 51’s representations, the rule does not limit emergency information to only those evacuation orders that a public official has asked the station to disseminate. Rather, the Commission’s rules emphasize the potentially broad spectrum of critical details that may represent emergency information. The apparent violations cited in the NAL reflect the type of critical details the Commission intended to be aurally and visually presented to viewers, *e.g.*, road closures, areas being evacuated, evacuation sites, etc. The Station’s rationale that it would be “dangerous” and “irresponsible” not to filter these details for persons with hearing disabilities while providing them to the public at large is untenable. If the aural reports of evacuations were safe enough to provide to the hearing members of the public, these same reports should have been furnished to persons with hearing disabilities so those individuals could protect themselves. The Commission simply cannot support a decision to withhold from persons with hearing disabilities those very critical details concerning the emergency that Channel 51 provided to hearing persons.

7. Channel 51 further contends that the Station was required to confirm emergency information presented aurally before presenting it visually because the journalistic core obligation of providing accurate information was heightened by the “special obligation” to hearing impaired viewers imposed by section 79.2.²⁶ The Station also asserts that there is a fundamental journalistic difference between presenting information aurally and visually. The station claims that viewers give more weight to visual presentations, treating them as though they have the force of written text. The Station, however, offers no support for this proposition.²⁷ Section 79.2 imposes an obligation to provide hearing impaired viewers access to emergency

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the fire fighters to control the blazes, and relaying vital instructions from public safety officials to citizens on evacuation routes and more. The video is indicative of the support that KUSI Television regularly provides to members of San Diego, CA local 45.” *See also* NAL Response at 83-87.

²³ This statement was made at 12:55 p.m. on October 26. It should be noted that the tape containing this advice was not provided to the Bureau in response to its Letter of Inquiry, and was not available at the time the Bureau released its NAL. If the tape (and seven others) had been provided on a timely basis, more violations might have been found.

²⁴ *See* 47 C.F.R. § 79.2(a)(2).

²⁵ *Id.*; *see also* Note to 47 C.F.R. § 79.2(a)(2).

²⁶ NAL Response at 14.

²⁷ *Id.* at 12 (noting that the force of the visual presentation is like a “call to action”).

information at the same time it is made available to other viewers.²⁸ Thus, the rule in no way allows or encourages programmers to hold back emergency information from hearing impaired viewers. In the *Second Report and Order*, the Commission reiterated the importance of providing *all* viewers with accurate information regarding an emergency.²⁹ Therefore, if the Station had any concerns about the accuracy of the emergency information being presented, Channel 51 had an option, and in fact a duty under its journalistic obligation, to hold back the visual *and* aural presentations until the emergency information had been confirmed. Channel 51, however, clearly believed the emergency information was accurate and important enough to provide to hearing members of the public. Since this information is of equal or greater importance to hearing impaired viewers, they should have been furnished and entrusted with the same emergency information.³⁰ As a result of its decision to not visually present emergency information that had been aurally presented, the Station failed to meet its obligation to hearing impaired viewers.

8. While we appreciate that programmers make good-faith judgments in times of emergency, the resulting decisions should conform to the Commission's rules. The importance of providing critical details to hearing and hearing impaired persons is too important for programmers to assume that such decisions will never be challenged by the Commission. As previously discussed in the NAL, it is not reasonable to assume that the Commission's statement in the *Second Report and Order* indicates the Commission will completely defer to the judgment of programmers in terms of whether particular details of an emergency need to be made accessible to hearing impaired viewers.³¹ Such an expansive interpretation would swallow the rule, render it ineffective, and could potentially leave hearing impaired viewers at risk during future emergencies since programmers would have no incentive to establish measures that would ensure their ability to provide emergency information to hearing and hearing impaired viewers at nearly the same time.³² For these reasons, we disagree with the Station's argument that the Commission should not subsequently challenge decisions made by programmers during emergency broadcasts.

9. Finally, the Station contends that it did in fact provide extensive visual presentations of emergency information during its coverage on October 26 and 27. For example, Channel 51 outlines that it made extensive use of full screen maps, visual displays of road closings and live shots.³³ As explained in the NAL, however, in order for a video programming distributor to meet its obligation to provide persons with hearing disabilities with the same access to emergency information as provided to listeners, that visual presentation of that emergency information must be "simultaneous or nearly simultaneous" to the aural presentation of that

²⁸ See *Second Report and Order*, 15 FCC Rcd 6615.

²⁹ *Second Report and Order*, 15 FCC Rcd at 6619 (noting the importance of providing accurate information was addressed in the Report and Order and Further Notice of Proposed Rulemaking).

³⁰ *Id.*

³¹ See NAL, 20 FCC Rcd at 3974, para. 12 (quoting the Second Report and Order, 15 FCC Rcd 6615 at 6617).

³² *Id.*

³³ NAL Response at 15-18.

information.³⁴ To accommodate for the circumstances facing KUSI in providing emergency coverage during the wildfires, we stated that we would not find violations if visual information was provided within 30 minutes either before or after the same information was provided aurally.³⁵ Although we note the Station's attempts to provide some visual presentation of emergency information, we believe that Channel 51 will most improve emergency coverage when it adheres to a policy consistent with the Commission's rules—all emergency information should be presented in a manner that provides hearing and hearing impaired viewers with the same access to the information.

B. Specific Rule Violations

10. We now turn to the arguments Channel 51 makes in response to the rule violations cited in the NAL. Eleven of the apparent rule violations cited in the NAL concern evacuation orders, five concern road closures, four concern shelter information, and four concern air quality advisories.³⁶ Of these violations, the Station believes that only one is a violation of section 79.2.³⁷ To avoid repetition, we address several examples from the general groups below.

11. Apparent Violations 1, 3, 5, 6, 8, 9, 11, 12, 18, 19, 21 listed in the Appendix of the NAL all involve evacuation orders. By way of example, we will address Apparent Violations 8 and 9 from this subset. Violation 8 addressed Channel 51's apparent failure to provide a visual presentation of evacuations of Hidden Trails Road, Rancho San Pasqual and Cloverdale in Escondido. The station aurally provided this emergency information at 3:41 p.m. on October 26, 2003, but did not provide the information visually until 10:21 p.m. that evening.³⁸ The Station contends that its actions did not violate section 79.2 of the Commission's rules because the evacuation information was obtained from an AP wire and not from law enforcement officials conducting the evacuations. Because the information was not confirmed by the news department with the responsible authorities and because the evacuations reported by the Associated Press appeared to have taken already taken place, the Station contends that the information amounted to "nothing more than a general news report of the fact that there had been some evacuation in the area of Escondido."³⁹ The station argues that these types of "general news reports" do not fall within section 79.2 and do not warrant posting on a full screen board or by other visual means.⁴⁰

³⁴ NAL, 20 FCC Rcd at 3974, para. 11.

³⁵ *Id.*

³⁶ See NAL Response at 6; See also NAL, 20 FCC Rcd 3969, at Appendix A. We note that Apparent Violation 1 addresses both a road closure and an evacuation order violation and Apparent Violation 11 addresses both an evacuation order and emergency shelter violation.

³⁷ NAL Response at 76-77. The station acknowledges that it failed to visually display a warning from the County Board of Supervisors that residents of parts of Eastern County should disinfect their water. In regard to Apparent Violation 10, we agree with the Station that in there is no need to visually present information given by a public official regarding details of an emergency situation when station reporters immediately recognize that the information is erroneous.

³⁸ NAL, 20 FCC Rcd 3969, at Appendix A.

³⁹ NAL Response at 54.

⁴⁰ *Id.*

12. Violation 9 addresses the Station's apparent failure to provide a visual presentation of evacuations on Mission Gorge Road. According to the Station, this failure is not a violation of section 79.2 because the evacuation information was obtained by one of its reporters who happened to be on the scene when the police announced a mandatory evacuation.⁴¹ The Station reasons that this information was known to KUSI only because it had a reporter in the area when the police came through to inform residents of the need to evacuate. The Station states that it did not have any information concerning how extensive the evacuation area was, what specific areas within the area were being evacuated, what routes residents were to use to evacuate, and where they should evacuate to. The Station further contends that more importantly it did not receive a specific request from the public officials conducting the evacuation to broadcast the evacuation information and that the evacuation was carried out by the public officials without need for assistance from the media.⁴²

13. As stated above, section 79.2 does not limit emergency information only to evacuation orders that a public official has asked the media to disseminate. Furthermore, regarding Violation 8, we note that the Station's actions did not portray its broadcast of the evacuation order as "business as usual" or that that its newscasters were merely reporting a general news story. For at least two days the Station canceled all of its regular programming and focused exclusively on the wildfires. The newscasters presented the information concerning the evacuation in an authoritative manner telling viewers that "Escondido now has evacuations going on."⁴³ Regarding Violation 9, there obviously was no question of the Station needing to confirm the evacuation information with authorities; the Station's newscaster was on the scene and literally heard the police announcement that evacuations were taking place in the area. The Station does not contend that it was merely passing on a general news report, but clearly provided the information aurally to give viewers critical details of the emergency situation, i.e., a mandatory evacuation order, so they could take appropriate action. The information described in Violations 8 and 9 fall squarely within the scope section 79.2. We therefore conclude that Channel 51 violated section 79.2 by denying the Station's hearing impaired viewers access to the same critical details concerning these emergency situations that it gave its hearing viewers.

14. Apparent Violations 2, 4, 7, and 14 all involve road closures. By way of an example we will address Violations 2 and 14 from this subset. Violation 2 addresses the Station's apparent failure to provide individuals with hearing disabilities the same critical information it provided to hearing listeners regarding the closure of Scripps Poway Parkway. At approximately 8:14 a.m. on October 26, 2003, a newscaster on location stated that Scripps Poway Parkway was closed.⁴⁴ According to the Station, its failure to make a visual presentation of this information does not violate section 79.2 because the road closure information at issue was not provided to the reporter by the authorities, was not personally witnessed by the reporter, and seems to be based on information the reporter obtained from members of the public.⁴⁵ The

⁴¹ NAL Response at 55.

⁴² *Id.* at 55-56.

⁴³ *Id.* at 54.

⁴⁴ NAL Response at 34; *see also*, NAL, 20 FCC Rcd 3969, at Appendix A.

⁴⁵ NAL Response at 34-36.

Station further states that it was reasonable and proper not to visually present this information because it was unclear exactly what road was closed, Scripps Poway Parkway or 67; the road closure information was not “official information,” and the information was not confirmed by its news department.⁴⁶

15. Violation 14 addresses the Station’s apparent failure to provide individuals with hearing disabilities the same critical information it provided to hearing listeners regarding the closure of Routes I-8, I-15, 52, 163, 94, and 67. The Station aurally provided this information at 9:54 p.m. on October 26, 2003; it provided visual presentation of some of the emergency information at 10:43 p.m., but did not provide visual presentation of the remaining emergency information until 12:11 a.m. on October 27, 2003.⁴⁷ The Station contends that it did not violate section 79.2 by failing to make a visual presentation of this information because the road closure information had been visually presented approximately fifteen times earlier during the day. The Station further reasons that the NAL interprets section 79.2 to require that “emergency information must be timed so that either (1) the visual and auditory information airs at the same time, or (2) the visual information airs within a short time after the auditory.”⁴⁸ The Station believes that not only is this finding arbitrary, but it is not how a good broadcast news operation rotates the scheduling of emergency information for broadcast. The Station states that it is desirable, in the majority of instances, to stagger the visual and auditory presentation of the same information so that the information will appear at a greater number of times during the broadcast, thereby reaching a greater number of viewers.⁴⁹

16. We disagree with the Station’s reasoning concerning Violations 2 and 14. First, in regard to Violation 2, the news reporter on location said as follows: “We know that Scripps Poway Parkway is blocked off and the CHP is sending people, uh, you can get through Poway Road to 67 and then it’s sort of clear down to 67 or up from North through but it is closed at Scripps Poway Parkway.” If the Station had concerns about the accuracy of the information it should have withheld the aural along with the visual presentation until the emergency information could be confirmed. Instead it aired the aural information without so much of a warning that the information was unconfirmed by public officials or its news department. The Station believed that the road closure information was accurate and important enough to provide its hearing viewers, therefore, under section 79.2 this information should have been presented in an accessible format for its hearing impaired viewers.

17. Secondly, section 79.2 requires that all emergency information be presented in a manner that provides hearing and hearing impaired viewers with the same access to the information, whether the visual presentation is aired shortly before, along with, or shortly after the auditory presentation. The Station’s reasoning, in regard to Violation 14, fails to recognize that without visual presentation of the emergency information each time the information is aired even if staggered, the auditory presentation does not allow persons with hearing disabilities to receive the emergency information. While this approach may provide hearing viewers with more

⁴⁶ *Id.*

⁴⁷ NAL, 20 FCC Rcd 3969, at Appendix A.

⁴⁸ NAL Response at 63.

⁴⁹ *Id.* at 63-64.

access to emergency information, it does not provide hearing impaired viewers with the same access in violation of section 79.2. We therefore conclude that Channel 51 violated section 79.2 of the Commission's rules by failing to provide a visual presentation of the emergency information aurally regarding road closures described in Violations 2 and 14 of the NAL.

18. We see no need to address the remainder of the Station's arguments regarding the specific violations set forth in the Appendix of the NAL. Essentially, the Station repeated in whole or in part the general arguments addressed we have already addressed at length. In addition, we note that in the NAL we found that \$8,000 was the proper base forfeiture amount for violations of 79.2(b)(1)(i) of the Commission's rules. We determined, however, that a strict application of \$8,000 for each of the 22 apparent violations would result in a total proposed forfeiture that is excessive in light of the circumstances presented. Furthermore, in determining the total number of apparent violations, we took into consideration the circumstances facing KUSI in providing emergency coverage during the wildfires. For example, we did not propose forfeitures for all of Channel 51's failures to provide visual presentation of emergency information, including failures relating to specific critical details identified in our rules, such as school closings and how to obtain relief assistance. We also determined not to find violations if visual information was provided within 30 minutes either before or after the same information was provided aurally.⁵⁰ Applying the \$8,000 base forfeiture amount to just the specific violations addressed above still results in a forfeiture amount that is significantly less than the \$160,000 that could have been proposed for these violations. Furthermore, assessing the full \$8,000 for a limited number of violations is consistent with past Commission orders.⁵¹ We, therefore, see no reason to reduce the forfeiture amount proposed in the NAL and find that the Station is liable for a forfeiture amount of \$25,000.

IV. ORDERING CLAUSES

19. ACCORDINGLY, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended,⁵² Section 1.80(f)(4) of the Commission's rules,⁵³ and authority delegated by Sections 0.111 and 0.311 of the Commission's rules,⁵⁴ that Channel 51 of San Diego, Inc. IS LIABLE FOR A MONETARY FORFEITURE in the amount of twenty-five thousand dollars (\$25,000) for willful or repeated violations of section 713 of the Act, 47 U.S.C. § 713, and section 79.2(b)(1)(i) of the Commission's rules, 47 C.F.R. § 79.2(b)(1)(i), as described in the paragraphs above.

20. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, within twenty (20) days of the release date of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to section 504(a) of the Act. Payment of the

⁵⁰ NAL, 20 FCC Rcd at 3974, para. 11.

⁵¹ See for example *Fox Television, Inc. Licensee of WTTG (TV) Washington, DC*, DA 05-1513, Apparent Liability for Forfeiture, 20 FCC Rcd. 9847 (2005); *Waterman Broadcasting Corp. of Florida, Inc.*, DA 05- 2258, Apparent Liability for Forfeiture, 20 FCC Rcd. 13534 (2005).

⁵² 47 U.S.C. § 503(b).

⁵³ 47 C.F.R. § 1.80(f)(4).

⁵⁴ 47 C.F.R. §§ 0.111 and .0311.

forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Channel 51 of San Diego, Inc. will also send electronic notification on the date said payment is made to Johnny.drake@fcc.gov. Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

21. IT IS FURTHER ORDERED that a copy of this Order shall be sent by Certified Mail, Return Receipt Requested to J. Brian DeBoice, Esq., Cohn and Marks LLP, 1920 N Street, N.W., Suite 300, Washington, D.C. 20036.

FEDERAL COMMUNICATIONS COMMISSION

Kris A. Monteith
Chief, Enforcement Bureau