

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

In the Matter of	)	
	)	
WZTV Licensee, LLC	)	Facility I.D. No. 418
Licensee of Station WZTV(TV)	)	NAL/Acct. No. 0741420066
Nashville, Tennessee	)	FRN: 0006551758
	)	
Notice of Apparent Liability for Forfeiture	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: April 11, 2008**

**Released: April 16, 2008**

By the Chief, Video Division, Media Bureau:

**I. INTRODUCTION**

1. In this Memorandum Opinion and Order, we grant the request of WZTV Licensee, LLC, (the "Licensee"), licensee of Station WZTV(TV), Nashville, Tennessee, to cancel the *Notice of Apparent Liability for Forfeiture* ("NAL") issued against it on September 28, 2007. The NAL proposed a monetary forfeiture in the amount of \$15,000 for the Licensee's apparent failure to comply with the limits on commercial matter in children's programming.<sup>1</sup>

**II. BACKGROUND**

2. On April 1, 2005, the Licensee filed its license renewal application for Station WZTV(TV) ("Application") (File No. BRCT-20050401BFP). In its Application, the Licensee reported that Station WZTV(TV) exceeded the children's television commercial limits on four occasions during the last license term. On September 28, 2007, the Bureau released the NAL, finding the Licensee apparently liable for a monetary forfeiture in the amount of \$15,000 for apparently willfully and repeatedly violating Section 73.670 of the Commission's Rules (the "Rules")<sup>2</sup>, by failing to comply with the limits on commercial matter in children's programming.

3. On October 26, 2007, the Licensee responded to the NAL.<sup>3</sup> The Licensee stated that upon receiving the NAL and reviewing the matter, it discovered that the program which formed the basis for the forfeiture was actually aired on the Licensee's co-owned station, WUXP-TV, Nashville, Tennessee. The Licensee indicated that a station employee who worked for both WUXP-TV and WZTV(TV) mistakenly attributed the program to Station WZTV(TV) when in fact that program was aired on WUXP-TV. The Licensee filed an amendment to its Application to certify that during the previous license term, Station WZTV(TV) did comply with the children's television commercial limits. Consequently, the Licensee asserted that any forfeiture should be issued against WUXP-TV, and not WZTV(TV). Based on our review of the Licensee's Response to the NAL, we cancel the NAL.

<sup>1</sup> *WZTV Licensee, LLC*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 17237 (Media Bureau 2007).

<sup>2</sup> 47 C.F.R. § 73.670.

<sup>3</sup> See Response to Notice of Apparent Liability for Forfeiture and Request for Rescission dated October 26, 2007 ("Response").

**IV. ORDERING CLAUSES**

4. Accordingly, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80(f)(4) of the Commission's Rules, the forfeiture in the amount of fifteen thousand dollars (\$15,000) proposed in the September 28, 2007, *Notice of Apparent Liability for Forfeiture* issued to WZTV Licensee, LLC IS CANCELLED.

5. IT IS FURTHER ORDERED that copies of this Memorandum Opinion and Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to the Licensee at Shaw Pittman LLP, 2300 N Street, N.W., Washington, D.C. 20037-1128, and to Kathryn Schmeltzer, Esquire, Shaw Pittman LLP, 2300 N Street, N.W., Washington, D.C. 20037-1128.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau