



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

August 3, 2011

**DA 11-1340**

*In Reply Refer To:*

1800B3-SAR

NAL/Acct. No. MB-200741410263

FRN: 0002834455

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In re: WLBK(AM), DeKalb, Illinois  
Facility ID No. 16410  
File No. BR-20040802AYO

**Petition for Reconsideration**

Dear Mr. Swift & Ms. Sashkin:

We have before us a Petition for Reconsideration (“Petition”) filed on October 20, 2010, by WPW Broadcasting, Inc. (“WPW”), licensee of Station WLBK(AM), DeKalb, Illinois (“Station”). The Petition requests reconsideration of a *Forfeiture Order* released on September 20, 2010, issuing a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to WPW for WPW for violating Section 73.3526 of the Commission’s Rules (“Rules”).<sup>1</sup> For the reasons discussed below, we hereby cancel the proposed \$10,000 forfeiture and admonish WPW for its willful and repeated violation of Section 73.3526 of the Rules.

*Background.* On March 16, 2007, the Media Bureau (“Bureau”) granted the above-referenced application for license renewal. On March 19, 2007, the Bureau issued a Notice of Apparent Liability for Forfeiture (“NAL”) proposing a forfeiture in the amount of ten thousand dollars (\$10,000) to WPW for its apparent willful and repeated violation of Section 73.3527 of the Rules for failure to retain all required documentation in the Station’s public inspection file.<sup>2</sup> On April 18, 2007, WPW filed a response to the NAL (“Response”). In its Response, WPW asked that we cancel or reduce the proposed forfeiture, arguing that: (1) its case was distinguishable from precedent cited in the NAL; (2) it was being treated differently than similarly situated licensees; (3) it voluntarily disclosed its violation; and (4) it implemented corrective measures. The Bureau rejected each of these arguments in the *Forfeiture Order*.<sup>3</sup> In its Petition, WPW repeats its earlier arguments and contends for the first time that the forfeiture is statutorily barred.<sup>4</sup>

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<sup>1</sup> 47 C.F.R. § 73.3526

<sup>2</sup> *WPW Broadcasting, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 5340 (MB 2007). WPW admitted that it failed to place quarterly issues/programs reports in the public inspection file from 2000 through the first quarter of 2004, and only then properly formatted the lists and placed them in the Station’s public file.

<sup>3</sup> *WPW Broadcasting, Inc.*, Forfeiture Order, 25 FCC Rcd 13250 (MB 2010) (“*Forfeiture Order*”).

<sup>4</sup> Petition at 3-6.

*Discussion.* Under Section 503(b)(1)(B) of the Communications Act of 1934, as amended (“Act”), any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.<sup>5</sup> However, Section 503(b)(6)(A) of the Act provides that a forfeiture cannot be imposed on a person holding a broadcast license if the violation charged occurred: (i) more than 1 year prior to the date of issuance of the required notice or notice of apparent liability; or (ii) prior to the date of commencement of the current term of such license, whichever is earlier.<sup>6</sup> Here, the current license term commenced on March 16, 2007, with the grant of the license renewal application; we issued the *NAL* on March 19, 2007, while the violations identified in the *NAL* apparently continued through August, 2004. Accordingly, we cancel the proposed forfeiture because it was imposed for violations occurring prior to the commencement date of the current license term and more than one year prior to the issuance of the *NAL*.

*Conclusion.* Accordingly, IT IS ORDERED, that the Petition for Reconsideration filed on October 20, 2010, by WPW Broadcasting, Inc., IS GRANTED.

IT IS FURTHER ORDERED, pursuant to Section 503(b)(6)(A) of the Communications Act of 1934, as amended, that the \$10,000 forfeiture issued to WPW Broadcasting, Inc., on September 20, 2010, IS CANCELLED. WPW Broadcasting, Inc., is instead hereby ADMONISHED for its violation of Section 73.3526 of the Commission’s Rules.

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: WPW Broadcasting, Inc.

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<sup>5</sup> 47 U.S.C. § 503(b)(1)(B). *See also* 47 C.F.R. 1.80(a)(1).

<sup>6</sup> *See* 47 U.S.C. § 503(b)(6)(A), as implemented by 47 C.F.R. § 1.80(c)(1). *See also Cumulus Licensing LLC KGEE(FM)*, Letter, 23 FCC Rcd 4471 (MB 2008) (declining, pursuant to Section 503(b)(6)(A) of the Act, to propose a forfeiture for willful and repeated Rule violations).