

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

In the Matter of)	
)	
ENID PUBLIC RADIO ASSOCIATION)	Facility I.D. No. 124554
)	NAL/Acct. No. MB-201041410011
Application for Renewal of License for)	FRN: 0007446396
Station KEIF-LP)	File No. BRL-20050131AAR
Enid, Oklahoma)	

FORFEITURE ORDER

Adopted: April 7, 2011

Released: April 8, 2011

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to Enid Public Radio Association (“Licensee”), licensee of low-power FM radio station KEIF-LP, Enid, Oklahoma (“Station”), for willfully violating Sections 73.503(d) and 73.811 of the Commission’s Rules,¹ as well as Section 399B of the Communications Act of 1934, as amended (the “Act”),² by willfully and repeatedly interrupting regular programming with unauthorized commercial announcements and operating at antenna height greater than that authorized.

II. BACKGROUND

2. On July 13, 2010, the Media Bureau issued a Notice of Apparent Liability for Forfeiture (“NAL”) in the amount of ten thousand dollars (\$10,000) to Licensee for willfully violating Sections 73.503(d) and 73.811 of the Rules, as well as Section 399B of the Act.³ As noted in the NAL, Chisholm Trail Broadcasting Co. (“Chisholm Trail”), in its petition to deny Licensee’s renewal application, demonstrated that Licensee was operating with an antenna higher than authorized, and further was willfully and repeatedly broadcasting unauthorized commercial announcements, in violation of the Commission’s enhanced underwriting rules.⁴ A copy of the NAL was sent to Licensee on or about July 13, 2010, by Certified Mail, Return Receipt Requested. The Return Receipt was signed by Carol Clark on July 23, 2010. Licensee filed no response to the NAL.

III. DISCUSSION

3. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b)(2)(D) of the Act,⁵ Section 1.80(b)(4) of the Rules,⁶ and the Commission’s *Forfeiture Policy*

¹ See *id.* §§ 73.503(d), 73.811.

² See 47 U.S.C. § 399B.

³ *Enid Public Radio Association*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 9138 (MB 2010). The Station’s license renewal application was conditionally granted in the NAL for a period of six years from expiration of Station’s prior license. 25 FCC Rcd at 9145-46.

⁴ See NAL at 9139.

⁵ 47 U.S.C. § 503(b)(2)(D).

⁶ 47 C.F.R. § 1.80(b)(4).

*Statement.*⁷ In assessing forfeitures, Section 503(b)(2)(E) of the Act requires that we take into account 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.⁸

4. Licensee, as indicated above, has failed to dispute the findings of the NAL, nor has it made any attempt to argue that the forfeiture should be reduced or cancelled. Licensee has thus failed to identify facts or circumstances to persuade us that there is a basis for modifying the proposed forfeiture. We are therefore not aware of any mitigating circumstances to warrant a reduction of the forfeiture penalties. For these reasons, and based on the information before us, we hereby impose a total forfeiture of \$10,000 for Licensee's willful or repeated violations of Sections 73.503(d) and 73.811 of the Rules, as well as Section 399B of the Act, for the reasons set forth in the NAL.

IV. CONCLUSION

5. Accordingly, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the Commission's Rules,⁹ that Enid Public Radio Association SHALL FORFEIT to the United States the sum of ten thousand dollars (\$10,000) for willfully violating Sections 73.503(d) and 73.811 of the Commission's Rules,¹⁰ as well as Section 399B of the Communications Act of 1934, as amended.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules within 30 days of the release of this Forfeiture 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.¹¹ Payment of the proposed forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at 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, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If 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).¹² Licensee will also send electronic notification on the date said payment is made to Michael.Wagner@fcc.gov and Thomas.Nessinger@fcc.gov. Requests for payment of the full amount of this Forfeiture Order under an installment plan should be sent to: Associate Managing Director-Financial Operations, Room 1-A625, 445 12th Street, S.W., Washington, D.C. 20554.¹³

7. IT IS FURTHER ORDERED that the relief ordered in this Forfeiture Order is without prejudice to any other actions the Commission or the Media Bureau may take with regard to the conditional license renewal set forth in the NAL, including but not limited to actions necessitated by any failure by Enid Public Radio Association to comply with the conditions set forth in the NAL.

⁷ *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

⁸ 47 U.S.C. § 503(b)(2)(E).

⁹ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.283, 1.80.

¹⁰ *See id.* §§ 73.503(d), 73.811.

¹¹ 47 U.S.C. § 504(a).

¹² *See* 47 C.F.R. § 1.1914.

¹³ *Id.*

8. IT IS FURTHER ORDERED that a copy of this Forfeiture Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Enid Public Radio Association, 2122 West Maine, Enid, Oklahoma 73703-5320, and to Chisholm Trail Broadcasting Co., c/o Andrew S. Kersting, Esq., Dickstein Shapiro LLP, 1825 Eye Street, N.W., Washington, DC 20006.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau