

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

In the Matter of)	
)	
Steckline Communications, Inc.)	File No.: EB-FIELDSCR-13-00008450
)	NAL/Acct. No.: 2013325600006
Licensee of Station KYUL-AM)	FRN: 0009951286
Scott City, KS)	Facility ID No.: 71854

FORFEITURE ORDER

Adopted: July 31, 2014

Released: July 31, 2014

By the Regional Director, South Central Region, Enforcement Bureau:

I. INTRODUCTION

1. We impose a penalty of \$20,000 against Steckline Communications, Inc. (Steckline) for failing to operate a fully staffed main studio as well as maintain and make available a complete public inspection file. Steckline does not dispute the violations, but requests a forfeiture reduction based on certain purported economic and competitive disadvantages. None of the arguments presented by Steckline, however, present a sufficient basis to reduce the forfeiture and we deny its request.

2. Specifically, we issue a monetary forfeiture to Steckline, licensee of Station KYUL-AM in Scott City, Kansas (Station), for willfully and repeatedly violating Sections 73.1125(a) and 73.3526 of the Commission's rules (Rules).¹

II. BACKGROUND

3. On July 12, 2012, an agent from the Enforcement Bureau's Kansas City Office (Kansas City Office) attempted to inspect the Station's main studio, but was unable to locate one in Scott City, Kansas or the immediate environs. The agent located the Station's public inspection file at a Scott City insurance agency, but the file contained no documents dated after 2009. On May 6, 2013, the Kansas City Office issued a Notice of Apparent Liability for Forfeiture (*NAL*) to Steckline proposing a \$20,000 forfeiture against it for main studio staffing and public inspection file violations.² In its *NAL Response*, Steckline does not deny any of the facts set forth in the *NAL*, but requests a reduction to the proposed forfeiture.³ Steckline claims that it serves a small market and would face competitive disadvantages if it is required to fully staff the Station's main studio.⁴

III. DISCUSSION

4. As Steckline does not deny any of the facts in the *NAL*, we affirm the *NAL*'s findings and conclude that Steckline willfully and repeatedly violated Sections 73.1125(a) and 73.3526 of the Rules by

¹ 47 C.F.R. §§ 73.1125(a), 73.3526.

² *Steckline Communications, Inc.*, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 6168 (Enf. Bur. 2013). A comprehensive recitation of the facts and history of this case can be found in the *NAL* and is incorporated herein by reference.

³ Letter from Greg Steckline, President, Steckline Communications, Inc., to Kansas City Office, South Central Region, Enforcement Bureau at 1 (June 3, 2013) (on file in EB-FIELDSCR-13-00008450) (*NAL Response*).

⁴ *Id.*

failing to operate a fully staffed main studio as well as maintain and make available a complete public inspection file.

5. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended (Act),⁵ Section 1.80 of the Rules,⁶ and the *Forfeiture Policy Statement*.⁷ In examining Steckline's *NAL Response*, Section 503(b)(2)(E) of the Act requires that the Commission 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 other such matters as justice may require.⁸ As discussed below, we have considered Steckline's *NAL Response* in light of these statutory factors and find that a reduction of the forfeiture is unwarranted.

6. In its *NAL Response*, Steckline does not deny that the Station did not have a main studio at the time of the inspection or that the Station's main studio had been completely unstaffed since April 2011.⁹ Rather, Steckline argues that a reduction is warranted because the economic climate of the small rural market it served rendered it impossible to maintain a main studio in Scott City staffed with qualified professionals.¹⁰ We find this argument unpersuasive. Section 73.1125(a) does not provide an exception to the main studio rule based on perceived staffing shortages. More importantly, Steckline not only failed to have a "meaningful" staff presence at the Station's main studio, it failed to have *any* staff presence at the Station's main studio for over a year.¹¹ Perhaps Steckline intended to assert that it was unable financially to maintain a fully staffed main studio in Scott City, but it failed to provide any financial documentation to support this claim, so we are unable to determine whether a forfeiture reduction based on inability to pay is warranted.

7. We also do not find persuasive Steckline's argument that maintaining a main studio would place the station at a competitive disadvantage. At the outset, we note that competitive disadvantage alone is not one of the downward forfeiture adjustment criteria specified in the Act or Rules.¹² We also note that licensees may request waivers of the main studio rule when "special circumstances warrant a deviation from the general rule and such deviation is in the public interest."¹³ After the inspection, Steckline requested a waiver of the main studio requirement on July 26, 2012, which was denied by the Media Bureau.¹⁴ The Media Bureau found that Steckline's situation differed from the circumstances faced by two nearby TV stations that received main studio waivers. The Media Bureau reasoned that Steckline's request was "predicated primarily on the benefits of economic efficiencies, *i.e.*, the use of an existing studio and staff in Garden City," and Commission precedent has held that "financial considerations are not a valid basis for a

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. § 1.80.

⁷ *The Commission's 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), *recons. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

⁸ 47 U.S.C. § 503(b)(2)(E).

⁹ *NAL*, 28 FCC Rcd at 6168–69, para. 3.

¹⁰ *NAL Response* at 1. Steckline did not specifically address the public inspection file violation.

¹¹ *NAL*, 28 FCC Rcd at 6170, para. 5.

¹² See 47 U.S.C. § 503(b)(2)(E); 47 C.F.R. § 1.80(b)(8), Section II.

¹³ See Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to James P. Reily, Esq., Fletcher, Heald & Hildreth, PLC at 2 (Dec. 13, 2012) (on file in EB-FIELDSCR-13-00008450).

¹⁴ *Id.*

commercial radio station to receive a waiver of the main studio rule.”¹⁵ Thus, the Media Bureau concluded that Steckline failed to meet the burden necessary to receive a waiver of the main studio rule. However, even if the waiver was granted and Steckline subsequently staffed the Station’s main studio, such corrective action taken after an inspection is expected and does not warrant reduction or cancellation of the proposed forfeiture.¹⁶ Therefore, we find no basis to reduce the forfeiture on these grounds. Based on the evidence before us, we conclude that Steckline willfully and repeatedly violated Sections 73.1125(a) and 73.3526 of the Rules by failing to (1) have a fully staffed main studio and (2) maintain and make available a complete public inspection file, warranting a forfeiture of \$20,000.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act and Sections 0.111, 0.204, 0.311, 0.314, and 1.80(f)(4) of the Rules, Steckline Communications, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for violations of Section 73.1125(a) and 73.3526 of the Rules.¹⁷

9. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Forfeiture Order.¹⁸ If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.¹⁹ Steckline Communications, Inc. shall send electronic notification of payment to SCR-Response@fcc.gov on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.²⁰ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure

¹⁵ *Id.* at 3.

¹⁶ *See, e.g., Int’l Broad. Corp.*, Order on Review, 25 FCC Rcd 1538, 1540, para. 6 (2010) (“To reduce the forfeiture as requested would be to reward postponement of compliance with the Rules until after a Commission inspection. We find such an approach contrary to the public interest.”); *Seawest Yacht Brokers*, Forfeiture Order, 9 FCC Rcd 6099, 6099, para. 7 (1994) (“[C]orrective action taken to come into compliance with Commission rules or policy is expected, and does not nullify or mitigate any prior forfeitures or violations.”); *see also Mattoon Broad. Co.*, Forfeiture Order, 29 FCC Rcd 2925 (Enf. Bur. 2014); *Catholic Radio Network of Loveland, Inc.*, Forfeiture Order, 29 FCC Rcd 121 (Enf. Bur. 2014); *Argos Net, Inc.*, Forfeiture Order, 28 FCC Rcd 1126 (Enf. Bur. 2013).

¹⁷ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.204, 0.311, 0.314, 1.80(f)(4), 73.1125(a), 73.3526.

¹⁸ 47 C.F.R. § 1.80.

¹⁹ 47 U.S.C. § 504(a).

²⁰ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.

- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

10. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.²¹ If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

11. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by both First Class and Certified Mail, Return Receipt Requested, to Steckline Communications, Inc. at 1632 S. Maize Rd., Wichita, KS 67209, and to its attorney, James P. Riley at Fletcher, Heald and Hildreth, 1300 North 17th Street, 11th Floor, Arlington, VA 22209.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton
Regional Director, South Central Region
Enforcement Bureau

²¹ See 47 C.F.R. § 1.1914.