**Before the**

Federal Communications Commission

Washington, DC 20554

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| In the Matter of  Birach Broadcasting Corporation  Licensee of Station WOAP(AM)  Owosso, Michigan | )  )  )  )  )  ) | File No.: EB-10-DT-0337; EB-FIELDNER-12-00004566  NAL/Acct. No.: 201232360007  FRN: 0003766847  Facility ID No.: 41682 |

ORDER

**Adopted: November 10, 2015 Released: November 10, 2015**

By the Regional Director, Northeast Region, Enforcement Bureau:

1. Based on our review of the record, including the information that Birach Broadcasting Corporation (Birach) provided in response to the *Notice of Apparent Liability for Forfeiture* (*NAL*) in this proceeding, we find that no forfeiture penalty should be imposed on Birach for apparent noncompliance with the Commission’s rules for permissible hours of operation.
2. On June 14, 2012, the Enforcement Bureau (Bureau) issued the *NAL* to Birach, licensee of AM Station WOAP (WOAP) in Owosso, Michigan,[[1]](#footnote-2) and proposed a $4,000 forfeiturefor its apparent willful and repeated violation of Section 73.1745(a) of the Commission’s rules[[2]](#footnote-3) (Rules) for operating WOAP at times other than those specified in its license.[[3]](#footnote-4) In the *NAL*, the Bureau provided Birach an opportunity to show, in writing, why either no forfeiture or a lower forfeiture should be imposed. Birach filed a response to the *NAL* dated July 12, 2012.[[4]](#footnote-5) Based on our review of the response and the record, which includes the WOAP license, we find that that no forfeiture should be imposed against Birach for violation of Section 73.1745(a) of the Rules.
3. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 504(b) of the Communications Act of 1934, as amended,[[5]](#footnote-6) and Sections 0.111, 0.311, and 1.80 of the Commission’s rules,[[6]](#footnote-7) the proposed forfeiture in the*NAL*issued to Birach Broadcasting Corporation on June 14, 2012, **WILL NOT BE IMPOSED**.
4. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and certified mail return receipt requested to Birach Broadcasting Corporation, 21700 Northwestern Highway, Tower 14, Southfield, MI 48075, and its counsel of record, John C. Trent, Law Offices of Putbrese Hunsaker & Trent, P.C., 200 South Church Street, Woodstock, VA 22664.

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt

Regional Director, Northeast Region

Enforcement Bureau

1. Birach’s application for authorization to assign Station WOAP and Station WMJH (AM), Rockford, Michigan, to Cano’s Broadcasting, LLC was granted on September 2, 2015. *See* File No. BAL-20120410ACE. [↑](#footnote-ref-2)
2. 47 C.F.R. § 73.1745(a). [↑](#footnote-ref-3)
3. *See Birach Broadcasting Corporation*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 6241 (Enf. Bur. 2012). The *NAL* includes a more complete recitation of the facts of this case and is incorporated herein by reference. [↑](#footnote-ref-4)
4. Birach Broadcasting Corp., Response to Notice of Apparent Liability for Forfeiture (dated Jul. 12, 2012) (on file in EB-10-DT-0337). [↑](#footnote-ref-5)
5. 47 U.S.C. §§ 154(i), 504(b). [↑](#footnote-ref-6)
6. 47 C.F.R. §§ 0.111, 0.311, 1.80. [↑](#footnote-ref-7)