

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Alaska Integrated Media, Inc.)	File No.: EB-FIELDWR-12-00001355
)	NAL/Acct. No.: 201232780002
Licensee of Station KOAN)	FRN: 0020201240
Anchorage, Alaska)	Facility ID No.: 53491

MEMORANDUM OPINION AND ORDER

Adopted: August 4, 2015

Released: August 5, 2015

By the Regional Director, Western Region, Enforcement Bureau:

1. We deny the Petition for Reconsideration filed by Alaska Integrated Media, Inc. (Alaska Integrated), licensee of Station KOAN, Anchorage, Alaska, seeking reconsideration of the Forfeiture Order issued by the Enforcement Bureau. In the Forfeiture Order, the Enforcement Bureau imposed a forfeiture of \$5,600 against Alaska Integrated for willfully and repeatedly violating Section 73.49 of the Commission's rules (Rules) by failing to enclose the Station KOAN antenna tower within an effective locked fence or other enclosure.

2. Upon review of the Petition for Reconsideration¹ and the entire record,² we find no basis for reconsideration. Reconsideration is appropriate only when the petitioner either demonstrates a material error or omission in the underlying order or raises additional facts not known or not existing until after the petitioner's last opportunity to present such matters.³ Alaska Integrated's Petition fails to present such information warranting reconsideration. It only reiterates an argument it presented previously: that the penalty is unenforceable under the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA)⁴ because the Commission allegedly never complied with its obligations under the SBREFA.⁵ We note that the Commission recently affirmed its determination that it has complied with its obligations under the SBREFA.⁶ We therefore find that the Enforcement Bureau properly decided the matter raised, and we uphold the Forfeiture Order for the reasons stated therein.

¹ See *Alaska Integrated Media, Inc.*, Petition for Reconsideration (filed Nov. 21, 2014) (Petition).

² See *Alaska Integrated Media, Inc.*, Forfeiture Order, 29 FCC Rcd 13578 (Enf. Bur. 2014) (Forfeiture Order); *Alaska Integrated Media, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 27 FCC Rcd 8283 (Enf. Bur. 2012). We note that on November 20, 2013, Alaska Integrated changed the call sign for this station to KVNT.

³ See 47 C.F.R. § 1.106(c); *EZ Sacramento, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 18257, 18257, para. 2 (Enf. Bur. 2000) (citing *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964), *aff'd sub. nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966)); see also *Ely Radio, LLC*, Memorandum Opinion and Order, 27 FCC Rcd 7608, 7610, para. 6 (Enf. Bur. 2012) (articulating the standard of review for Petitions for Reconsideration).

⁴ Pub. L. No. 104-121, 110 Stat. 847 (1996), as amended by Pub. L. No. 110-28, 121 Stat. 112 (2007).

⁵ Petition at 1-3.

⁶ See *N. Cnty. Broad. Corp.*, Memorandum Opinion and Order, 29 FCC Rcd 13261 (2014) (the Commission's existing forfeiture policy, including the various factors by which a proposed forfeiture may be adjusted upward or downward based on the facts presented, complies with the SBREFA).

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 405 of the Communications Act of 1934, as amended (Act), and Section 1.106 of the Rules, the Petition for Reconsideration filed by Alaska Integrated Media, Inc., is hereby **DENIED**.⁷

4. **IT IS FURTHER ORDERED** that, pursuant to Section 503(b) of the Act and Sections 0.111, 0.311, and 1.80 of the Rules, Alaska Integrated Media, Inc., **IS LIABLE FOR A MONETARY FORFEITURE** of five thousand six hundred dollars (\$5,600) for willfully and repeatedly violating Section 73.49 of the Rules.⁸

5. 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 Memorandum Opinion and Order.⁹ 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.¹⁰

6. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Alaska Integrated Media, Inc., shall send electronic notification of payment to WR-Response@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.¹¹ 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 that should be followed based on the form of payment selected:

- 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 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.

7. 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. 20554.¹² Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

⁷ 47 U.S.C. § 405; 47 C.F.R. § 1.106.

⁸ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80, 73.49.

⁹ 47 C.F.R. § 1.80.

¹⁰ 47 U.S.C. § 504(a).

¹¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹² See 47 C.F.R. § 1.1914.

8. **IT IS FURTHER ORDERED** that a copy of this Memorandum Opinion and Order shall be sent by first class mail and certified mail, return receipt requested, to Alaska Integrated Media, Inc., 4700 Business Park Boulevard, Suite 44-A, Anchorage, Alaska 99503, and to David Tillotson, Esquire, 4606 Charleston Terrace, NW, Washington, DC 20007-1911.

FEDERAL COMMUNICATIONS COMMISSION

Rebecca L. Dorch
Regional Director
Western Region
Enforcement Bureau