

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

In the Matter of)	
)	
Carolina Radio Group, Inc.)	NAL/Acct. No. MB-201941410009
)	FRN: 0001940766
Application for License to Cover)	Facility ID No. 143608
W225DF, Raleigh, North Carolina)	File No. BLFT-20190425AAW

FORFEITURE ORDER

Adopted: March 02, 2020

Released: March 02, 2020

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of two thousand dollars (\$2,000) to Carolina Radio Group, Inc. (CRG), licensee of FM Translator station W225DF, Raleigh, North Carolina (Translator), for willfully and repeatedly violating section 74.1251(c) of the Commission’s rules (Rules) by failing to notify the Commission that the Translator had changed its primary station, and willfully and repeatedly violating section 74.1232(b) of the Rules by failing to provide a “technical need” showing in support of that change.¹

II. BACKGROUND

2. On May 1, 2019, we granted CRG a license to operate the Translator.² The license specifies that the Translator’s primary station is WQDR-FM(HD3). However, we determined that the Translator did not rebroadcast its authorized primary station for a period of about a month and, as a result, violated sections 74.1232(b),³ and 74.1251(c) of the Rules.⁴ Accordingly, on December 5, 2019, we released a Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (*NAL*) that proposed a forfeiture of two thousand dollars (\$2,000).⁵ The *NAL* gave CRG thirty (30) days to pay the full amount of the proposed forfeiture, or file a written statement seeking reduction or cancellation of the proposed forfeiture.⁶ To date, CRG has neither paid the proposed forfeiture nor filed a written statement in response to the *NAL*.

¹ See 47 CFR §§ 74.1232(b), 74.1251(c).

² *Broadcast Actions*, Public Notice, Report No. 49480, at 4 (MB May 6, 2019).

³ Section 74.1232(b) permits an entity to hold the licenses for multiple FM translators serving “substantially the same area ... upon an appropriate showing of technical need.” 47 CFR § 74.1232(b).

⁴ Section 74.1251(c) requires a translator permittee or licensee to notify the Commission in writing of any change in primary station designation. 47 CFR § 74.1251(c). This allows staff to verify that the change complies with the Commission’s translator rules (such as the signal delivery and technical need rules). *Processing of Broadcast Applications*, First Report and Order, 56 RR 2d 941 (1984).

⁵ *Carolina Radio Group, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 19-1235 (MB Dec. 5, 2019).

⁶ *Id.* at para. 11.

III. DISCUSSION

3. The forfeiture amount proposed in this case was assessed in accordance with 503(b) of the Communications Act of 1934, as amended (the Act),⁷ Section 1.80 of the Rules,⁸ and the Commission's Forfeiture Policy Statement,⁹ which establish a base forfeiture amount of \$3,000 for failure to file required forms or information, and a base forfeiture of \$4,000 for unauthorized emissions.¹⁰ In assessing the proposed forfeiture here, we considered 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."¹¹ CRG has not responded to the *NAL*. Accordingly, we affirm the two thousand dollar (\$2,000) forfeiture proposed therein.

IV. ORDERING CLAUSES

4. **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, that Carolina Radio Group, Inc., **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$2,000 for its apparent willful and repeated violations of sections 74.1232(b) and 74.1251(c) of the Commission's rules.

5. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the *NAL*/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, 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, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When 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). Requests for full payment under an installment plan should be sent to: Chief Financial Officer – Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.¹² Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

⁷ 47 U.S.C. § 503(b).

⁸ 47 CFR § 1.80.

⁹ *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).

¹⁰ *See id.* at 17113-15; 47 CFR § 1.80(b)(8), note to paragraph (b)(8), Section I.

¹¹ 47 U.S.C. § 503(b)(2)(E).

¹² *See* 47 CFR § 1.1914.

6. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Carolina Radio Group, Inc., 3012 Highwoods Boulevard, Suite 201, Raleigh, NC 27604, and its counsel, Coe W. Ramsey, Esq., Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, 150 Fayetteville Street, Raleigh, NC 27601.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division, Media Bureau