

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

In re Applications of)	
)	NAL/Acct. No. MB-202141410034
Autaugaville Radio, Inc.)	FRN: 0006640254
)	
For Renewal of License for)	Facility ID No. 40900
WXKD(AM), Brantley, AL)	Application File No. 0000150480
)	
For Renewal of License for)	Facility ID No. 201248
W292HL, Troy, AL)	Application File No. 0000150482

ORDER

Adopted: August 24, 2021

Released: August 24, 2021

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Media Bureau (Bureau) has before it a request to cancel a Notice of Apparent Liability (*NAL*)¹ issued to Autaugaville Radio, Inc. (Licensee), licensee of WXKD(AM), Brantley, Alabama, and W292HL, Troy, Alabama (Stations), for apparently willfully violating section 73.3539 of the Commission's rules (Rules) by failing to timely file license renewal applications for the Stations. As discussed below, we cancel the forfeiture.

II. BACKGROUND

2. Section 73.3539(a) of the Rules requires that applications for renewal of license for broadcast stations must be filed "not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed."² Applications for renewal of the Station's licenses should have been filed by April 1, 2021, the first day of the fourth full calendar month prior to August 21, 2021, the expiration date for the Stations' licenses.³ The Licensee did not file the Applications until June 18, 2021, and provided no explanation for the untimely filing of the Applications.

3. Accordingly, on August 2, 2021, we released the *NAL*, which proposed a forfeiture of four thousand five hundred dollars (\$4,500). The *NAL* gave the Licensee thirty days to pay the full amount of the proposed forfeiture or file a written statement seeking reduction or cancellation of the proposed forfeiture.⁴

¹ *Autaugaville Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 21-938 (MB Aug. 2, 2021).

² 47 CFR § 73.3539(a).

³ *See id.* *See also Brantley Broad. Assoc., LLC*, Application File Nos. 0000094179, 0000094180, Letter Order (MB Aug. 21, 2020) (renewing Stations' licenses for a renewal period of one year); *Actions*, Public Notice, Report No. PN-2-200825-01, at 3, 4 (MB Aug. 25, 2020). The Licensee acquired the Stations' licenses from Brantley Broadcast Associates, LLC, on October 9, 2020. *See Broadcast Actions*, Public Notice, Report No. 49819, at 1, 2 (MB Sept. 9, 2020); Consummation Notice, Application File No. BAL-20200415AAJ (filed Oct. 13, 2020).

⁴ *NAL* at 3, para. 9.

4. On August 9, 2021, the Licensee submitted a written response in which it explains that its counsel believed the deadline for filing the Applications was June 21, 2021.⁵ The Licensee also notes that, until June 16, 2021, the Commission's filing database (LMS) did not reflect the actual expiration dates of the Stations' licenses. Instead, LMS listed the Stations' licenses as expiring on April 1, 2028.⁶ The Licensee states that, until this error was brought to the attention of the Bureau staff by Licensee's counsel, and corrected on June 16, 2021, LMS would not accept applications to renew the Stations' licenses.⁷

III. DISCUSSION

5. The Bureau staff has verified that LMS listed an incorrect expiration date for the Stations' licenses, and that LMS would not have accepted applications to renew the Stations' licenses on the date they were actually due. While the Licensee could have discovered this issue sooner if it had correctly calculated the deadline for filing applications to renew the Stations' licenses,⁸ the Licensee brought the error to our attention upon its discovery, and filed the applications to renew the Stations' licenses two days after the error was corrected. Accordingly, we will, on our motion, cancel the *NAL* and instead admonish Licensee for its willful violation of section 73.3539 of the Rules.

IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that, pursuant to section 504(b) of the Communications Act of 1934, as amended,⁹ and sections 0.61, 0.283, and 1.80(g)(4) of the Commission's rules,¹⁰ the Notice of Apparent Liability for a Forfeiture (*NAL*/Acct. No. MB-202141410034) issued to Autaugaville Radio, Inc. **IS CANCELLED**, and that Autaugaville Radio, Inc. is instead **HEREBY ADMONISHED** for its violation of section 73.3539 of the Commission's rules.

7. **IT IS FURTHER ORDERED** that the applications for renewal of license filed by Autaugaville Radio, Inc. for WXKD(AM), Brantley, Alabama (Application File No. 0000150480), and W292HL, Troy, Alabama (Application File No. 0000150482) **ARE GRANTED**.

⁵ Response to Notice of Apparent Liability for Forfeiture of Autaugaville Radio, Inc. at 1 (received Aug. 9, 2021) (Response).

⁶ *Id.* at 2.

⁷ *Id.* at 2, and Attachs.

⁸ We do not credit the Licensee's allegation that FCC staff advised its counsel that the filing deadline for applications to renew the Stations' licenses was later than the deadline calculated using section 73.3539(a). The Licensee has proffered no evidence to support this assertion. Further, the credibility of this claim is undermined by the fact that, in the Response, the Licensee claims FCC staff advised its counsel to file the Applications by June 21, 2021, while, in the email correspondence attached to the Response, its counsel references a deadline of August 1, 2021.

⁹ 47 U.S.C. § 504(b).

¹⁰ 47 CFR §§ 0.61, 0.283, 1.80(g)(4).

8. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Autaugaville Radio, Inc., c/o Roscoe Miller, P.O. Box 369, Greenville, AL 36037, and its counsel, Cary S. Tepper, Esq., Tepper Law Firm, LLC, 4900 Auburn Avenue, Suite 100, Bethesda, MD 20814.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau