

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

In re Application of)	
)	
WPGS, Inc.)	Facility ID No. 73876
)	NAL/Acct. No. MB-202141410031
For Renewal of License for)	FRN: 0003775723
Station WPGS(AM))	File No. 0000104282
Mims, Florida)	

FORFEITURE ORDER

Adopted: November 1, 2021

Released: November 2, 2021

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this *Forfeiture Order*, we issue a monetary forfeiture in the amount of three thousand dollars (\$3,000) to of WPGS, Inc. (Licensee), licensee of WPGS(AM), Mims, Florida (Station), for willfully violating section 73.3539 of the Commission's rules (Rules) by failing to timely file a license renewal application for the Station.¹

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 An application for renewal of the Station's license should have been filed by October 1, 2019, the first day of the fourth full calendar month prior to the Station's license expiration date of February 1, 2020.³ The application was not filed until January 31, 2020. The Licensee provided no explanation for its untimely filing of the application.

3. Accordingly, on July 12, 2021, we released a *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (NAL)* that proposed a forfeiture of three thousand dollars (\$3,000).⁴ 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.⁵ To date, the Licensee has neither paid the proposed forfeiture nor filed a written statement in response to the *NAL*.

¹ See 47 CFR § 73.3539.

² *Id.* § 73.3539(a).

³ *Id.* §§ 73.1020, 73.3539(a).

⁴ *WPGS, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 21-823 (MB July 12, 2021).

⁵ *Id.* at para. 9.

III. DISCUSSION

4. The forfeiture amount proposed in this case was assessed in accordance with section 503(b) of the Communications Act of 1934, as amended (the Act),⁶ section 1.80 of the Rules,⁷ and the Commission's Forfeiture Policy Statement.⁸ In assessing forfeitures, section 503(b)(2)(E) of the Act requires that we 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 such other matters as justice may require.⁹

5. We conclude that the Licensee willfully violated section 73.3539 of the Rules. We will therefore issue a forfeiture in the amount of \$3,000 as proposed in the *NAL*.

IV. ORDERING CLAUSES

6. **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 WPGS, Inc., **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$3,000 for its apparent willful violation of section 73.3539 of the Commission's rules.

7. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission's Fee Filer (the Commission's online payment system),¹⁰ or by wire transfer. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹¹

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843, or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).¹² For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission's Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by credit card, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Pay bills" on the Fee Filer Menu, and select the bill number associated with the *NAL* Account—the bill number is the *NAL* Account number with the first two digits

⁶ 47 U.S.C. § 503(b).

⁷ 47 CFR § 1.80.

⁸ *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).

⁹ 47 U.S.C. § 503(b)(2)(E).

¹⁰ Payments made using the Commission's Fee Filer system do not require the submission of an FCC Form 159.

¹¹ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

¹² Instructions for completing the form may be obtained at <https://transition.fcc.gov/Forms/Form159/159.pdf>.

excluded—and then choose the “Pay by Credit Card” option. Please note that there is a dollar limitation on credit card transactions, which cannot exceed \$24,999.99.

- Payment by ACH must be made by using the Commission’s Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Pay bills” on the Fee Filer Menu and then select the bill number associated to the NAL Account—the bill number is the NAL Account number with the first two digits excluded—and choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

8. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. 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.

9. **IT IS FURTHER ORDERED** that a copy of this *Forfeiture Order* shall be sent by First Class and Certified Mail, Return Receipt Requested, to WPGS, Inc., c/o Edward Shiflett, 805 North Dixie Avenue, Titusville, FL 32796, and to its counsel, Thomas McCoy, Esq., 12165 Ocean View Drive, Sparks, NV 89441.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau