

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

In re Application of)
)
SEAVIEW COMMUNICATIONS) NAL/Acct. No. MB-201941410006
INC.) FRN: 0009008608
) Facility ID No. 59528
For Renewal of License for) Application File No. 0000075458
Station WPEX(FM))
Kenbridge, Virginia)

ORDER

Adopted: December 9, 2021

Released: December 10, 2021

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Media Bureau (Bureau) has before it a Notice of Apparent Liability (NAL)1 issued to Seaview Communications Inc. (Licensee), licensee of WPEX(FM), Kenbridge, Virginia (Station), for apparently willfully violating: (1) section 73.3526(e)(12)2 of the Commission’s rules (Rules) by failing to prepare required quarterly issues and programs lists; and (2) Section 73.3526(b)(2)3 of the Rules by failing to upload this information into the Station’s online public inspection file. As discussed below, we cancel the NAL on our own motion.

II. BACKGROUND

2. The NAL found that Licensee apparently willfully violated: (1) Section 73.3526(e)(12) of the Rules by failing to prepare required quarterly issues and programs lists; and (2) Section 73.3526(b)(2) of the Rules by failing to upload this information into the Station’s online public inspection file.4 The NAL concluded that Licensee was apparently liable for a monetary forfeiture in the amount of fifteen thousand dollars (\$15,000) and that the Station’s license renewal application, if ultimately granted, should be granted for a period of two years instead of a full term of eight years.5

III. DISCUSSION

3. On October 1, 2021, we sent a letter to the Licensee notifying it that we had information that the Station had been silent or operating with unauthorized facilities for over twelve months, in which case the Station’s license would have expired pursuant to section 312(g) of the Communications Act of

1 Seaview Communications Inc., Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 34 FCC Rcd. 9340 (MB 2019).

2 See 47 CFR § 73.3526(e)(12).

3 See 47 CFR § 73.3526(b)(2).

4 Seaview Communications Inc., Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 9340 (MB 2019).

5 Id.

1934, as amended.⁶ That letter required a response within thirty days.⁷ Licensee failed to respond to that letter, and we have cancelled the license and dismissed the Licensee's renewal application for the Station by separate action.⁸

4. In light of the license cancellation, we have determined that we will not pursue payment of the proposed forfeiture. Accordingly, we hereby cancel the *NAL* on our own motion.

IV. ORDERING CLAUSES

5. 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-201941410006) issued to Seaview Communications, Inc. **IS CANCELLED**.

6. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Seaview Communications Inc., P.O. Box 177, Blackstone, VA 238247, and its counsel, John C. Trent, Esq., Putbrey Hunsaker & Trent, PC, 200 South Church Street, Woodstock, VA 22664.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁶ Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, to Seaview Communications Inc., Ref. 1800B3-VM (Oct. 1, 2021).

⁷ *Id.*

⁸ Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, to Seaview Communications Inc., Ref. 1800B3-VM (Dec. 10, 2021).

⁹ 47 U.S.C. § 504(b).

¹⁰ 47 CFR §§ 0.61, 0.283, 1.80(g)(4).