

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

In re Application of
Blount County Broadcasting Corp.
For Renewal of License for
Station WBCR(AM)
Alcoa, Tennessee
Facility ID No. 5887
NAL/Acct. No. MB-202141410006
FRN: 0010613057
File No. 0000118565

ORDER

Adopted: March 17, 2021

Released: March 17, 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) issued to Blount County Broadcasting Corp. (Licensee), licensee of Station WBCR(AM), Alcoa, Tennessee (Station), for apparently willfully violating section 73.3539 of the Commission's rules (Rules) by failing to timely file a license renewal application for the Station. As discussed below, we cancel the forfeiture and instead admonish Licensee for the violation.

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.' An application for renewal of the Station's license should have been filed by April 1, 2020, the first day of the fourth full calendar month prior to the Station's license expiration date of August 1, 2020. The application was not filed until July 27, 2020. The Licensee provided no explanation for its untimely filing of the application.

3. Accordingly, on February 11, 2021, we released the NAL, which proposed a forfeiture of three thousand dollars (\$3,000). 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. On February 26, 2021, the Licensee submitted a written response in which it did not dispute that it had violated section 73.3539 of the Rules but requested that we cancel the proposed forfeiture based on the Licensee's inability to pay it. The Response included copies of Licensee's federal tax returns for 2017, 2018, and 2019 in support of this request.

1 Blount County Broadcasting Corp., Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 21-141 (MB Feb. 11, 2021).

2 47 CFR § 73.3539(a).

3 47 CFR §§ 73.1020, 73.3539(a).

4 NAL at 3, para. 9.

5 Response to Notice of Apparent Liability for Forfeiture of Blount County Broadcasting Corp. (received Feb. 26, 2021) (Response).

III. DISCUSSION

5. As noted in the *NAL*, the Commission will not consider reducing or canceling a forfeiture in response to claimed inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status.⁶ We accept Licensee's showing—based on its tax returns—that payment of the proposed forfeiture would create a financial hardship. Accordingly, we will cancel the proposed forfeiture. However, we 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,⁷ and sections 0.61, 0.283, and 1.80(f)(4) of the Commission's rules,⁸ the Notice of Apparent Liability for a Forfeiture (NAL/Acct. No. MB-202141410006) issued to Blount County Broadcasting Corp. **IS CANCELLED** and that Blount County Broadcasting Corp. is instead **HEREBY ADMONISHED** for its violation of section 73.3539 of the Commission's rules.

7. **IT IS FURTHER ORDERED** that the application for renewal of license filed by Blount County Broadcasting Corp. for Station WBCR(AM), Alcoa, Tennessee (File No. 0000118565) **IS GRANTED**.

8. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail, Return Receipt Requested, to Harry Grothjahn, Blount County Broadcasting Corp., P.O. Box 130, Alcoa, Tennessee 37701; and to its counsel, Larry Perry, Esq., 114 Saga Lane, Oak Ridge, Tennessee 37931.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁶ See *NAL* at 4, para. 13.

⁷ 47 U.S.C. § 504(b).

⁸ 47 CFR §§ 0.61, 0.283, 1.80(f)(4).