**Before the**

Federal Communications Commission

Washington, D.C. 20554

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| In re Applications of  **Billy R. Autry**  For Renewal of Licenses for  Station WKRA(AM)  Holly Springs, Mississippi  Station WKRA-FM  Holly Springs, Mississippi | **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)** | Facility ID No. 5887  NAL/Acct. No. MB-202141410025  FRN: 0004930145  Facility ID No. 5333  File No. 0000114037  Facility ID No. 5334  File No. 0000114048 |

ORDER

**Adopted: April 19, 2021 Released: April 19, 2021**

By the Chief, Audio Division, Media Bureau:

# INTRODUCTION

1. The Media Bureau (Bureau) has before it a request to cancel a Notice of Apparent Liability (*NAL*)[[1]](#footnote-3) issued to Billy R. Autry (Licensee), licensee of Station WKRA(AM), Holly Springs, Mississippi, and Station WKRA-FM, Holly Springs, Mississippi (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 and instead admonish Licensee for the violation.

# BACKGROUND

1. 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]](#footnote-4) Applications for renewal of the Stations’ licenses should have been filed by February 3, 2020, the first business day of the fourth full calendar month prior to the Stations’ June 1, 2020 license expiration date.[[3]](#footnote-5) The applications were not filed until May 20, 2020. The Licensee provided no explanation for the untimely filing of the applications.
2. Accordingly, on March 18, 2021, we released the *NAL*, which proposed a forfeiture of six thousand dollars ($6,000). 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]](#footnote-6)
3. On April 14, 2021, the Licensee submitted a written response in which he argues that he did not willfully violate section 73.3539 because he was not aware of the filing deadline, and a notification sent by the Commission went to a former employee of the Stations, who did not notify Licensee of the filing deadline.[[5]](#footnote-7) Licensee further requested that we cancel the proposed forfeiture based on the Licensee’s inability to pay it. [[6]](#footnote-8) The Response included copies of Licensee’s federal tax returns for 2017, 2018, and 2019 in support of this request.

# DISCUSSION

1. We reject Licensee’s argument that he did not willfully violate section 73.3539 because he was not aware of the filing date. As the Commission has held, violations resulting from inadvertent error or failure to become familiar with the FCC's requirements are willful violations.[[7]](#footnote-9) Here, Licensee was ultimately responsible for timely filing the renewal applications, but failed to do so.[[8]](#footnote-10)
2. 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.[[9]](#footnote-11) We accept Licensee’s showing—based on his 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 his willful violation of section 73.3539 of the Rules.

# ORDERING CLAUSES

1. Accordingly, **IT IS ORDERED** that, pursuant to section 504(b) of the Communications Act of 1934, as amended,[[10]](#footnote-12) and sections 0.61, 0.283, and 1.80(f)(4) of the Commission’s rules,[[11]](#footnote-13) the Notice of Apparent Liability for a Forfeiture (NAL/Acct. No. MB-202141410025) issued to Billy R. Autry **IS CANCELLED** and that Billy R. Autry is instead **HEREBY ADMONISHED** for his violation of section 73.3539 of the Commission’s rules.
2. **IT IS FURTHER ORDERED** that the applications for renewal of licenses filed by Billy R. Autry for Station WKRA(AM), Holly Springs, Mississippi and Station WKRA-FM, Holly Springs, Mississippi (File Nos. 0000114037 and 0000114048) **ARE GRANTED**.
3. **IT IS FURTHER ORDERED** that copies of this Notice of Apparent Liability for Forfeiture shall be sent by First Class and Certified Mail, Return Receipt Requested, to Billy R. Autry, 3887 Majestic Oaks Drive, Oxford, MS 38655, and to Bilesha Autry, PO Box 398, Holly Springs, MS 38635.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner

Chief, Audio Division

Media Bureau

1. *Billy R. Autry,* Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 21-328 (MB Mar. 18, 2021). [↑](#footnote-ref-3)
2. 47 CFR § 73.3539(a). [↑](#footnote-ref-4)
3. *See* 47 CFR§§ 73.1020, 73.3539(a). Because February 1, 2020, was a Saturday, and February 2, 2020, was a Sunday—holiday as defined by the Rules—the filing deadline was February 3, 2020, the first business day after February 1, 2020. *See* 47 CFR §§ 1.4(e), (j). [↑](#footnote-ref-5)
4. *NAL* at 3, para. 9. [↑](#footnote-ref-6)
5. Response to Notice of Apparent Liability for Forfeiture of Blount County Broadcasting Corp. (received Feb. 26, 2021) (Response). [↑](#footnote-ref-7)
6. *Id*. [↑](#footnote-ref-8)
7. *See S. California Broad. Co.,* Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387, para. 3 (1991), *recon. denied,* Memorandum Opinion and Order, 7 FCC Rcd 3454 (1992) (stating that “inadvertence ... is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance”); *Standard Comm’cns Corp.,* Memorandum Opinion and Order, 1 FCC Rcd 358, 358 (1986) (stating that “employee acts or omissions, such as clerical errors in failing to file required forms, do not excuse violations”). [↑](#footnote-ref-9)
8. *Whidbey Island Center for the Arts*, Forfeiture Order, 25 FCC Rcd 8204 8205, para. 6 (MB 2010). [↑](#footnote-ref-10)
9. *See NAL* at 4, para. 13. [↑](#footnote-ref-11)
10. 47 U.S.C. § 504(b). [↑](#footnote-ref-12)
11. 47 CFR §§ 0.61, 0.283, 1.80(f)(4). [↑](#footnote-ref-13)