

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

In re Application of)	
)	
Sun Signals LLC)	NAL/Acct. No. MB-202541410007
For Renewal of License for)	FRN: 0025836743
FM Translator Station W230CP)	Facility ID No. 153531
Pittsfield, Massachusetts)	Application File No. 0000174214

MEMORANDUM OPINION AND ORDER

Adopted: December 2, 2025

Released: December 2, 2025

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. We have before us the above-referenced license renewal application (Renewal Application or Application) for FM translator station W230CP, Pittsfield, Massachusetts (Translator), licensed to Sun Signals LLC (Sun Signals).¹ We also have before us a petition to deny (Petition) submitted by Townsquare License, LLC (Townsquare) and responsive pleadings.² For the reasons set forth below, we adopt the attached consent decree, which resolves issues raised during our review of the Application and related pleadings, and we deny the Petition. Furthermore, we will grant the Renewal Application by separate action after receiving (1) payment of the Voluntary Contribution required by the consent decree, (2) payment of the Renewal Application filing fee plus a 25 percent penalty, (3) an amendment to the Application to correct Sun Signals' certifications that it is exempt from application and regulatory fees and to certify that online notice has been provided in the form and for the duration required by section 73.3580 of the Commission's rules (Rules),³ so long as there are no other issues that would preclude grant of the Application.

II. BACKGROUND

2. In its Petition, Townsquare alleges that the Translator rebroadcast the signal of station WBEC(AM), Pittsfield, Massachusetts (WBEC), licensed to Townsquare, without consent.⁴ Townsquare states that it attempted to contact Sun Signals on multiple occasions to request that Sun Signals stop

¹ Application File No. 0000174214 (filed Nov. 30, 2021). The Translator was initially part of a lead application, Application File No. 0000174212 (filed Nov. 30, 2021), and was subsequently separated from that application. The Renewal Application was amended twice: (1) on March 7, 2022, to state that the Translator was silent; and (2) on April 26, 2023, to reflect that the Translator resumed operations and to state that the Translator's primary station changed to WBRK(AM), Pittsfield, Massachusetts (WBRK) (April 26, 2023, Amendment). Sun Signals filed a Notice of Resumption of Operations stating that the Translator resumed operations on March 7, 2023. See Application File No. 0000212203 (filed March 7, 2023) (2023 Resumption of Operations).

² Pleading File No. 0000185585 (filed March 1, 2022). Sun Signals filed an Opposition, Pleading File No. 0000216365 (filed June 7, 2023) (Opposition), and Townsquare filed a Reply, Pleading File No. 0000216942 (filed June 20, 2023) (Reply). We note that the Opposition is untimely. 47 CFR § 73.3584(b) requires that oppositions be filed within 30 days of petitions to deny an application for renewal of license. However, we will consider the Opposition in the interest of having a complete record.

³ 47 CFR § 73.3580.

⁴ Petition at 3.

rebroadcasting WBEC, including informal communications starting on approximately February 2, 2021, and a cease and desist letter on April 30, 2021.⁵ Townsquare further states that it did not receive a response to these communications, that it subsequently filed a complaint with the Commission on June 17, 2021,⁶ and that on approximately June 29, 2021, it discovered that the Translator had ceased rebroadcasting WBEC.⁷

3. In addition, Townsquare alleges that, after the Translator stopped rebroadcasting WBEC, it operated without rebroadcasting the input signal of a primary station (i.e., “dead air”) and failed to provide station identification.⁸ Townsquare also states that, if the “dead air” was the “result of a change in the primary station being rebroadcast, it is noted that Sun Signals apparently failed to notify the Commission of such change as required by Section 74.1251(c).”⁹

4. Townsquare also asserts that, because the Translator was not rebroadcasting any primary station around the time, Sun Signals falsely certified on the Renewal Application that the Translator was rebroadcasting the signal of station WMHT-FM, Schenectady, New York (WMHT-FM),¹⁰ or failed to timely amend the Renewal Application to correct the inaccuracy when the Translator’s rebroadcast status changed.¹¹ Townsquare further asserts that, because “Sun Signals is a for-profit entity, and the Translator operates in the non-reserved portion of the FM band,” the Renewal Application should not have been accepted for filing because Sun Signals did not pay the Application filing fee and erroneously claimed an exemption from such fees.¹² Townsquare further alleges that Sun Signals did not make the required online local public notice announcement for the Renewal Application.¹³

5. In its Opposition, Sun Signals states that it received permission to rebroadcast WBEC from WBEC’s former licensee, and that “predicated on approvals relative to an entity that it had privity with, [Sun Signals] thought that it had permission to [continue] rebroadcast[ing] the signal of WBEC” after Townsquare acquired the license for the station in September 2017.¹⁴ Sun Signals also states that the Translator went silent “for technical reasons” shortly after the Petition was filed in March 2022, the Translator is not currently rebroadcasting WBEC, and therefore “it does not appear that there is any harm to Townsquare . . . or that there was ever any harm to Townsquare.”¹⁵ Regarding Townsquare’s claim that the Translator broadcast dead air, Sun Signals argues that “inadvertence” could be the reason for Townsquare’s findings, and that “[n]o one would intentionally broadcast dead air.”¹⁶ However, in its

⁵ Declaration of Randy Mills, Attach. 1 to Petition (Mills Declaration).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* Specifically, Townsquare states that it monitored the Translator’s frequency on four occasions, June 29, 2021, September 23, 2021, January 11, 2022, and February 2, 2022, found that the Translator was operating with “dead air,” and that no station identification was audible. *Id.*

⁹ Petition at 4 (citing 47 CFR § 74.1251(c) (“Changes in the primary FM station being retransmitted must be submitted to the FCC in writing.”)).

¹⁰ *Id.* at 6-9 (citing 47 CFR § 1.17).

¹¹ *Id.* (citing 47 CFR § 1.65).

¹² *Id.* at 8 n.17; Reply at 12-13.

¹³ Petition at 10-11 (citing 47 CFR § 73.3580(a)).

¹⁴ Opposition at 2-3 & attach. E (email from individual who was a principal of WBEC’s former licensee in 2017, stating that former licensee gave the required written permission to rebroadcast WBEC as primary); Notice of Consummation, Application File No. BAL-20170711ABR (filed Sept. 29, 2017) (2017 Consummation Notice).

¹⁵ *Id.* at 3.

¹⁶ *Id.*

March 2022 request for special temporary authority for the Translator to remain silent, Sun Signals stated that “a failure of the audio input circuitry has led to a loss of audio input from the primary station, as well as from the associated CW ID generator.”¹⁷ Regarding Townsquare’s allegation that Sun Signals falsely certified on the Renewal Application that it was rebroadcasting WMHT-FM, Sun Signals responds that “[w]hile Sun Signals will concede that it may have been deficient in notifying the Commission of the change of primary station, nevertheless, the fact that an isolated monitoring event could not show the rebroadcast does not give rise to a finding of misrepresentation.”¹⁸

6. In its Reply, Townsquare reiterates its allegations and argues that Sun Signals “fails to submit an adequate response to any of Townsquare’s allegations—and even neglects to respond at all to some of them.”¹⁹ Townsquare also argues that the Renewal Application should be dismissed because Sun Signals “failed to fulfill the four-year operating condition [to rebroadcast WBEC]” in the Translator’s license.²⁰

III. DISCUSSION

7. In evaluating an application for license renewal, the Commission’s decision is governed by section 309(k) of the Communications Act of 1934, as amended (Act).²¹ That section provides that if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.²² In addition, with petitions to deny, we must first determine whether the petitioner has made specific allegations of fact that, if true, would demonstrate that grant of the application would be *prima facie* inconsistent with section 309(k) of the Act.²³ If the specific allegations make a *prima facie* case, we next examine and weigh the evidence presented to determine “whether the totality of the evidence arouses a sufficient doubt on the point that further inquiry is called for.”²⁴ We must also determine whether grant or denial of the application would serve the public interest.²⁵

8. As discussed below, Townsquare has not presented specific factual allegations sufficient to either establish a *prima facie* case or raise a substantial and material question of fact that grant of the Renewal Application would be inconsistent with section 309(k) of the Act.

9. *Rebroadcast of WBEC Without Authority Allegation.* Under section 325(a) of the Act and section 73.1207(b) of the Rules, no broadcast station may retransmit the program, or any part thereof,

¹⁷ *Id.* at 1-2.

¹⁸ *Id.* at 4.

¹⁹ Reply at 2.

²⁰ *Id.* at 9.

²¹ 47 U.S.C. § 309(k).

²² *Id.* § 309(k)(1). The renewal standard was amended to read as described by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). *See Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996* (Broadcast License Renewal Procedures), Order, 11 FCC Rcd 6363 (1996).

²³ 47 U.S.C. § 309(d)(1).

²⁴ *Citizens for Jazz on WRVR v. FCC*, 775 F.2d 392, 395 (D.C. Cir. 1985). *See also* 47 U.S.C. § 309(d)(1) (“The petition shall contain specific allegations of fact sufficient to show that . . . grant of the application would be *prima facie* inconsistent with [Section 309(k)]. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.”); 47 CFR § 73.3584(b).

²⁵ *Astroline Communications Co. v. FCC*, 857 F.2d 1556, 1561 (D.C. Cir. 1988). *See also Rocky Mountain Radio Co., LLP*, Memorandum Opinion and Order, 15 FCC Rcd 7166, 7167 (1999).

of another U.S. broadcast station without the express authority of the originating station.²⁶ Here, Townsquare does not dispute that the Translator had authority to rebroadcast WBEC prior to approximately February 2, 2021, when Townsquare states that it began to informally contact Sun Signals to notify the licensee that the Translator no longer had the authority to rebroadcast WBEC.²⁷ Instead, Townsquare's allegation pertains to the five month period between February 2, 2021, and approximately June 29, 2021, when Townsquare learned that the Translator was no longer rebroadcasting WBEC.²⁸ The record does not include the specific terms of the agreement between Gamma Broadcasting, LLC (Gamma), the former licensee of WBEC, and Sun Signals regarding the rebroadcast of WBEC. To the extent there was a disagreement between Townsquare and Sun Signals regarding whether Townsquare had the contractual right to revoke the written consent previously given by Gamma, that was a private matter outside of the Commission's jurisdiction.²⁹ However, we find that Sun Signals violated section 325(a) of the Act and section 73.1207(b) of the Rules by continuing to rebroadcast WBEC after being notified by Townsquare that the Translator no longer had the authority to do so. Accordingly, we adopt the attached consent decree to address this violation of the Act and the rules.

10. *Allegations Regarding Technical Rules and Station Identification.* Section 74.1263(b) of the Rules states that, "[a]n FM booster or FM Translator station rebroadcasting the signal of an AM, FM or LPFM primary station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted."³⁰ Section 74.1234(a)(2) of the Rules states that a translator may be operated without a designated person in attendance if, among other things, the transmitter is "equipped with suitable automatic circuits which will place it in a nonradiating condition in the absence of a signal on the input channel."³¹ Moreover, section 74.1283(c) of the Rules states, in pertinent part, that an FM translator station must identify itself to listeners either by International Morse Code or by arranging for the primary station being rebroadcast to identify the translator by call sign and location at specific times.³² Here, Sun Signals concedes that a failure of the Translator's audio input circuitry led to a loss of audio input from the primary station, as well as from the associated CW ID generator. Because Sun Signals does not deny Townsquare's allegations that, from approximately late June 2021 through part of March 2022, the Translator was radiating in the absence of a signal on the input channel and without providing the required station identification, we conclude that Sun Signals violated sections 74.1263(b), 74.1234(a)(2), and 74.1283(c) of the Rules. Accordingly, we adopt the attached consent decree to address these rule violations.

11. *Allegations Regarding False Certification, Failure to Maintain Completeness and Accuracy of Pending Application, and Failure to Notify Commission of Change of Primary Station.* Section 1.17(a)(2) of the Rules provides that no person may provide, in any written statement of fact, "material factual information that is incorrect or omit material information that is necessary to prevent

²⁶ 47 U.S.C. § 325(a); 47 CFR § 73.1207(b).

²⁷ Reply at 9-10; Mills Declaration. Townsquare acquired the license for WBEC from Gamma Broadcasting, LLC, on September 29, 2017, pursuant to a granted assignment of license application. See 2017 Consummation Notice.

²⁸ Reply at 9-10; Mills Declaration.

²⁹ See, e.g., *Lloyd B. Roach*, Letter Order, 23 FCC Rcd 29, 33 (MB-AD 2008) ("The Commission has consistently held that private disputes are beyond its regulatory jurisdiction and must be resolved in a local court of competent jurisdiction"); *Listeners' Guild, Inc. v. FCC*, 813 F.2d 465, 469 (D.C. Cir. 1987) (endorsing "the Commission's longstanding policy of refusing to adjudicate private contract law questions"); *John F. Runner, Receiver (KBIF)*, 36 R.R.2d 773, 778 (1976) (local court of competent jurisdiction, not the FCC, is the proper forum to resolve private disputes).

³⁰ 47 CFR § 74.1263(b).

³¹ *Id.* § 74.1234(a)(2).

³² *Id.* § 74.1283(c).

any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”³³ Section 74.1251(c) of the Rules states that “[c]hanges in the primary FM station being retransmitted must be submitted to the FCC in writing.”³⁴

12. Here, Sun Signals listed WMHT-FM as the Translator’s primary station on the Renewal Application when it was filed on November 30, 2021. Sun Signals subsequently filed a Change of Primary Station Notification Application on March 7, 2023, the same day that the Translator went back on the air,³⁵ stating that the Translator’s primary station had changed to WBRK.³⁶ The Change of Primary Station Notification was granted on April 11, 2023. Sun Signals then timely amended the Renewal Application on April 26, 2023, to reflect the new primary station.³⁷ Nonetheless, Townsquare argues that Sun Signals falsely certified on the Application that the Translator was rebroadcasting WMHT-FM, or failed to timely amend the Application to correct the inaccuracy when the Translator’s rebroadcast status changed, and that Sun Signals falsely certified that it is exempt from application filing fees.

13. Sun Signals does not refute the allegation that WMHT-FM was not the Translator’s primary station when it filed the Renewal Application,³⁸ and it did not notify the Commission in writing of the purported change of primary station to WMHT-FM. In short, nothing in the record indicates that the Translator actually rebroadcast WMHT-FM. However, we find that this false certification allegation is moot because Sun Signals amended the Application to change the Translator’s primary station to WBRK.³⁹

14. Sun Signals does not address the allegation that it falsely certified on the Renewal Application that it is exempt from application filing fees.⁴⁰ Sun Signals also certified on the Renewal Application that it is exempt from regulatory fees.⁴¹ We find that Sun Signals, a for-profit entity, did not have a reasonable basis for these certifications because it was aware that, at the time the Application was initially filed, the Translator was required to rebroadcast WBEC(AM), a commercial station, pursuant to the terms of its authorization, and it was therefore subject to application and regulatory fees.⁴² Unlike its certification on the Application that the Translator’s primary station was WMHT-FM, Sun Signals did not

³³ 47 CFR § 1.17(a)(2). Even absent an intent to deceive, a false statement may constitute an actionable violation of Section 1.17(a)(2) if it is submitted without a reasonable basis for believing that the statement is correct and not misleading. See Amendment of Section 1.17 of the Commission’s Rules Concerning Truthful Statements to the Commission, Report and Order, 18 FCC Rcd 4016, 4017, para. 5 (2003) (subsequent history omitted).

³⁴ *Id.* § 74.1251(c).

³⁵ See 2023 Resumption of Operations.

³⁶ See Application File No. 0000212204 (filed March 7, 2023) (2023 Change of Primary Station Notification).

³⁷ See April 26, 2023, Amendment.

³⁸ Sun Signals’ statement that it “concede[s] that it may have been deficient in notifying the Commission of the change of primary station, nevertheless, the fact that an isolated monitoring event could not show the rebroadcast does not give rise to a finding of misrepresentation,” refers to WBRK, not WMHT-FM, and is therefore not responsive to the false certification allegation. See Opposition at 4.

³⁹ See April 26, 2023, Amendment; *Shelby Broadcast Associates, LLC*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 39 FCC Rcd 265, 274, para. 29 (MB-AD 2024) (finding allegation that FM translator station falsely certified on its license renewal application that it did not have pending or unresolved character issues moot where licensee amended the application to reverse its responses) (Shelby).

⁴⁰ Renewal Application at Fees, Waivers, and Exemptions Section.

⁴¹ *Id.*

⁴² See 47 CFR § 1.17(a)(2).

correct these inaccurate certifications when it amended the Application.⁴³ We adopt the attached consent decree to address these violations of the Rules. We also require Sun Signals to correct its certifications on the Renewal Application that it is exempt from application and regulatory fees.

15. *Application Filing Fee.* Section 8 of the Act and section 1.1104 of the Rules require that the Commission assess and collect application fees to recover the costs of processing applications for media services.⁴⁴ The Rules provide exceptions to the application fee requirement for certain entities. Similarly, section 1.1116(c) of the Rules exempts licensees of noncommercial educational (NCE) broadcast stations in the FM service from payment of application fees.⁴⁵ To determine whether a non-reserved band translator is classified as an NCE station or not, we look to whether its primary station is NCE or commercial.⁴⁶

16. The Renewal Application, as initially filed, stated that the Translator's primary station was NCE station WMHT-FM. As discussed above, nothing in the record indicates that the Translator rebroadcast WMHT-FM. Regardless, the Renewal Application was subsequently amended to state that the primary station had changed to commercial station WBRK.⁴⁷ Accordingly, we find that the Translator is not an NCE station, that it does not qualify for an exemption under section 1.1116(c) of the Rules, and that it is subject to the application fee for the Renewal Application.

17. Section 1.1118 of the Rules sets forth the procedures for processing applications submitted without required fees.⁴⁸ Specifically, if the fee nonpayment is discovered within 30 days of filing, the application is dismissed and can be re-filed with a new filing date.⁴⁹ If the application is inadvertently forwarded to Commission staff for substantive review and the nonpayment is not discovered until after 30 calendar days from receipt of the filing, the filer is billed the fee amount due plus a 25 percent penalty.⁵⁰ Here, the amended Renewal Application was inadvertently forwarded to Commission staff for substantive review without the requisite application fee. As 30 days have elapsed from the date the amended Renewal Application was submitted with no fee, we will bill Sun Signals retroactively for the application fee and impose the 25 percent penalty.⁵¹

⁴³ See *Shelby*, 39 FCC Rcd at 272, para. 24 (finding that FM translator licensee falsely certified on its renewal application that there were no violations of the Act or the Rules during the preceding license term, where the licensee did not correct this certification when it amended its application).

⁴⁴ 47 U.S.C. 158; 47 CFR § 1.1104(4)(c).

⁴⁵ 47 CFR § 1.1116(c).

⁴⁶ *Id.* § 74.1201(b),(c).

⁴⁷ See April 26, 2023, Amendment; see also 2023 Change of Primary Station Notification.

⁴⁸ 47 CFR § 1.1118.

⁴⁹ *Id.* § 1.1118(a).

⁵⁰ *Id.* § 1.1118(b) ("Applications or filings accompanied by insufficient fees or no fees . . . that are inadvertently forwarded to Commission staff for substantive review will be billed for the amount due if the discrepancy is not discovered until after 30 calendar days from the receipt of the application or filing by the Commission. Applications or filings that are accompanied by insufficient fees or no fees will have a penalty charge equaling 25 percent of the amount due added to each bill. Any Commission action taken prior to timely payment of these charges is contingent and subject to rescission."); *Leon F. Petterson*, Letter Order, 22 FCC Rcd 14021 (MB-AD 2007) (after 30 days, recourse when application is submitted without appropriate filing fee is to bill the applicant retroactively for a 25 percent penalty).

⁵¹ See 47 CFR § 1.1118(b). On November 30, 2021, the date that the Application was initially filed, the filing fee was \$175.00. See 47 CFR § 1.1104 (2021).

18. *Online Local Public Notice.* Applicants for the renewal of FM translator station licenses are required by section 73.3580 of the Rules to give online notice of the filing of their applications.⁵² Specifically, applicants “shall post online notice . . . on an applicant-affiliated website” or a publicly accessible website if the applicant does not maintain or have access to an applicant-affiliated website.⁵³ Based on its review of certain websites, Townsquare argues that Sun Signals did not provide any online notice of the Renewal Application.⁵⁴ Sun Signals did not respond to the allegation in its Opposition, and online notice of the Application was not found in a search conducted by Commission staff. Accordingly, we find that Sun Signals did not provide online notice of the Application. We direct Sun Signals to provide online notice for the Renewal Application in the form and for the duration required by section 73.3580 of the Rules and to amend the Renewal Application upon completion of the online notice to certify that online notice has been provided as directed herein.⁵⁵

19. *Four-year Operating Condition.* We decline to consider Townsquare’s argument that, because the Translator was unable to fulfill its four-year operating condition due to Townsquare revoking its rebroadcast consent, the Renewal Application should be dismissed.⁵⁶ Townsquare raises this argument for the first time in its Reply. Pursuant to Section 1.45(c) of the Rules, reply pleadings “shall be limited to matters raised in the oppositions.”⁵⁷ We have consistently stricken arguments where wholly new claims are raised for the first time in a reply pleading.⁵⁸ We therefore decline to consider Townsquare’s argument because it was improperly raised. Even if we were to consider it, we would reject it. Indeed, the Translator did not rebroadcast WBEC for the entire four-year period because Townsquare revoked its consent for such rebroadcast before the four-year period ended. We would not penalize Sun Signals for Townsquare’s decision to revoke the authority to rebroadcast WBEC, or for taking action to comply with section 325(a) of the Act and section 73.1207(b) of the Rules by ceasing to rebroadcast WBEC when it lost authority.⁵⁹ We would therefore reject Townsquare’s argument were we to consider it on the merits.

20. *Consent Decree.* The Bureau and Licensee have negotiated the attached Consent Decree in which Licensee admits that it violated section 325(a) of the Act and sections 73.1207(b), 1.17(a)(2), 73.3580, 74.1263(b), 74.1234(a)(2), 74.1283(c), and 74.1251(c) of the Rules.⁶⁰ The Consent Decree provides that Licensee shall make a Voluntary Contribution payment to the United States Treasury in the amount of six thousand dollars (\$6,000). A copy of the Consent Decree is attached and incorporated by reference.

⁵² *Id.* § 73.3580(c)(3)(ii).

⁵³ *Id.* § 73.3580(b)(2)(ii).

⁵⁴ Petition at 11.

⁵⁵ See, e.g., *NRT Communications Group, LLC*, Order and Consent Decree, 33 FCC Rcd 77, 81, para. 7 (MB 2018) (“Consistent with [Media] Bureau practice in such a circumstance [where a renewal applicant failed to provide local public notice as required by section 73.3580 of the Commission’s rules], [Media Bureau] staff instructed [the renewal applicant] to run the required post-filing announcements . . .”).

⁵⁶ Reply at 9; see *Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 30 FCC Rcd 12145, 12153, para. 16 (2015).

⁵⁷ 47 C.F.R. § 1.45(c). See, e.g., *Fourteen Hundred, Inc.*, Letter, 25 FCC Rcd. 4486, 4488 (MB 2010).

⁵⁸ *Id.*

⁵⁹ 47 U.S.C. § 325(a); 47 CFR § 73.1207(b). We set a two-year timeframe, which started on March 7, 2023, and is associated with the Translator’s current primary station, WBRK, for the Translator to complete the four-year requirement. See Application File No. BLFT-20170803AAD (filed August 23, 2017).

⁶⁰ 47 U.S.C. § 325(a); 47 CFR §§ 73.1207(b), 1.17(a)(2), 73.3580, 74.1263(b), 74.1234(a)(2), 74.1283(c), and 74.1251(c).

21. *Renewal of License.* We have reviewed the Renewal Application in accordance with section 309(k) of the Act,⁶¹ and find that the Translator served the public interest, convenience, and necessity during the subject license term. We also find that there have been no serious violations of the Act or the Rules and no other violations which, taken together, constitute a pattern of abuse. We will therefore grant the Renewal Application by separate action after we receive (1) payment of the Voluntary Contribution required by the consent decree, (2) payment of the filing fee plus the 25 percent penalty, and (3) an amendment to the Application to correct Sun Signals' certifications that the Translator is exempt from application and regulatory fees and to provide the online notice certification discussed above,⁶² provided there are no other issues that would preclude grant of the Application.

IV. CONCLUSION

22. ACCORDINGLY, IT IS ORDERED that, pursuant to section 4(i), 4(j) and 309(k) of the Communications Act of 1934, as amended,⁶³ and by the authority delegated by sections 0.61 and 0.283 of the FCC's rules,⁶⁴ the Consent Decree attached hereto IS ADOPTED without change, addition, or modification.

23. IT IS FURTHER ORDERED that the investigation by the Media Bureau of the matters noted above IS TERMINATED.

24. IT IS FURTHER ORDERED that copies of this Order and Consent Decree SHALL BE SENT, by First Class and Certified Mail, Return Receipt Requested, to counsel for Sun Signals LLC, Aaron P. Shainis, Esq., Shainis and Peltzman, Chartered, 1850 M Street NW, Suite 240, Washington, DC 20036.

25. IT IS FURTHER ORDERED that the petition to deny filed by Townsquare License, LLC on March 1, 2022, (Pleading File No. 0000185585) IS DENIED.

26. IT IS FURTHER ORDERED that, pursuant to section 1.1118(b) of the Commission's rules, Sun Signals LLC will be assessed the amount of the filing fee for its application to renew the license of W230CP, Pittsfield, Massachusetts (File No. 0000174214) plus a penalty charge of 25 percent. Accordingly, it will be billed a total of \$218.75 under separate cover.

27. IT IS FURTHER ORDERED that Sun Signals LLC is hereby directed to file an amendment to its application to renew the license of W230CP, Pittsfield, Massachusetts (File No. 0000174214) to correct its certifications that it is exempt from application and regulatory fees, and to certify that online notice has been provided in the form and for the duration required by section 73.3580 of the Commission's rules, 47 CFR § 73.3580.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁶¹ 47 U.S.C. § 309(k)(1).

⁶² See *supra* para. 18.

⁶³ 47 U.S.C. §§ 154(i), 154(j), 309(k).

⁶⁴ 47 CFR §§ 0.61, 0.283.

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

In re Application of)	
)	
Sun Signals LLC)	NAL/Acct. No. MB-202541410007
For Renewal of License for)	FRN: 0025836743
FM Translator Station W230CP)	Facility ID No. 153531
Pittsfield, Massachusetts)	Application File No. 0000174214

CONSENT DECREE

I. INTRODUCTION

1. This Consent Decree is entered into by and between the Media Bureau (Bureau) of the Federal Communications Commission and Sun Signals LLC, licensee of the above-captioned station, for the purpose of terminating the Bureau's investigation concerning compliance with section 325(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 325(a), and sections 73.1207(b), 1.17(a)(2), 73.3580, 74.1263(b), 74.1234(a)(2), 74.1283(c), and 74.1251(c) of the Commission's rules, 47 CFR §§ 73.1207(b), 1.17(a)(2), 73.3580, 74.1263(b), 74.1234(a)(2), 74.1283(c), and 74.1251(c).

II. DEFINITIONS

2. For purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et. seq.*;
 - (b) "Adopting Order" means the order of the Bureau adopting this Consent Decree;
 - (c) "Application" means the Renewal Application;
 - (d) "Bureau" means the Media Bureau of the Federal Communications Commission;
 - (e) "Voluntary Contribution" means the payment Licensee has agreed to pay to the United States Treasury;
 - (f) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices;
 - (g) "Effective Date" means the date on which the Bureau releases the Adopting Order;
 - (h) "Investigation" means the Bureau's investigation of information contained in the Application, as detailed herein;
 - (i) "Licensee" means Sun Signals LLC, licensee of FM translator station W230CP, Pittsfield, Massachusetts, and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest;
 - (j) "NCE" means noncommercial educational;
 - (k) "Parties" means the Licensee and the Bureau;
 - (l) "Renewal Application" means the pending application for renewal of license for FM translator station W230CP, Pittsfield, Massachusetts, Facility ID No. 153531 (Application File No. 0000174214);
 - (m) "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations;
 - (n) "Sun Signals" means the Licensee;

- (o) “Townsquare” means Townsquare License, LLC, licensee of WBEC(AM), Pittsfield, Massachusetts, Facility ID No. 153531;
- (p) “Translator” means FM translator station W230CP, Pittsfield, Massachusetts, Facility ID No. 153531;
- (q) “Violations” mean the Licensee’s noncompliance with section 325(a) of the Act, 47 U.S.C. § 325(a), and sections 73.1207(b), 1.17(a)(2), 73.3580, 74.1263(b), 74.1234(a)(2), 74.1283(c), and 74.1251(c) of the Rules, 47 CFR §§ 73.1207(b), 1.17(a)(2), 73.3580, 74.1263(b), 74.1234(a)(2), 74.1283(c), and 74.1251(c);
- (r) “WBEC” means WBEC(AM), Pittsfield, Massachusetts, Facility ID No. 153531; and
- (s) “WMHT-FM” means WMHT-FM, Schenectady, New York, Facility ID No. 73266.

III. BACKGROUND

3. Under section 325(a) of the Act and section 73.1207(b) of the Rules, no broadcast station may retransmit the program, or any part thereof, of another U.S. broadcast station without the express authority of the originating station.¹ Here, Sun Signals violated section 325(a) of the Act and section 73.1207(b) of the Rules by continuing to rebroadcast WBEC after being notified by Townsquare that the Translator no longer had the authority to do so.

4. Section 74.1263(b) of the Rules states that, “[a]n FM booster or FM Translator station rebroadcasting the signal of an AM, FM or LPFM primary station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted.”² Section 74.1234(a)(2) of the Rules states that a translator may be operated without a designated person in attendance if, among other things, the transmitter is “equipped with suitable automatic circuits which will place it in a nonradiating condition in the absence of a signal on the input channel.”³ Section 74.1283(c) of the Rules states, in pertinent part, that an FM translator station must identify itself to listeners either by International Morse Code or by arranging for the primary station being rebroadcast to identify the translator by call sign and location at specific times.⁴ Here, Sun Signals violated sections 74.1263(b), 74.1234(a)(2), and 74.1283(c) of the Rules because, from approximately late June 2021 through part of March 2022, the Translator was radiating in the absence of a signal on the input channel and without providing the required station identification.⁵

5. Section 1.17(a)(2) of the Rules provides that no person may provide, in any written statement of fact, “material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”⁶

6. Here, Sun Signals certified on the Renewal Application, which was initially filed on November 30, 2021, that the Translator’s primary station was NCE station WMHT-FM, and that it is

¹ 47 U.S.C. § 325(a); 47 CFR § 73.1207(b).

² 47 CFR § 74.1263(b).

³ *Id.* § 74.1234(a)(2).

⁴ *Id.* § 74.1283(c).

⁵ *Id.* §§ 74.1263(b), 74.1234(a)(2), and 74.1283(c).

⁶ *Id.* § 1.17(a)(2). Even absent an intent to deceive, a false statement may constitute an actionable violation of section 1.17(a)(2) if it is submitted without a reasonable basis for believing that the statement is correct and not misleading. See *Amendment of Section 1.17 of the Commission’s Rules Concerning Truthful Statements to the Commission*, Report and Order, 18 FCC Rcd 4016, 4017, para. 5 (2003) (subsequent history omitted).

exempt from application and regulatory fees. Sun Signals subsequently amended the Application twice, including on April 26, 2023, to change its primary station to commercial station WBRK, but did not change the certifications stating that it was exempt from application and regulatory fees. Sun Signals, a for-profit entity, did not have a reasonable basis for the certifications regarding application and regulatory fees because it was aware that, at the time the Application was filed, the Translator was required to rebroadcast WBEC(AM), a commercial station, pursuant to the terms of its authorization.⁷

7. Section 74.1251(c) of the Rules states that “[c]hanges in the primary FM station being retransmitted must be submitted to the FCC in writing.”⁸ Here, Sun Signals violated section 74.1251(c) of the Rules because it did not notify the Commission in writing of the purported change of the Translator’s primary station to WMHT-FM.⁹

8. Applicants for the renewal of FM translator station licenses are required by section 73.3580 of the Rules to give online notice of the filing of their applications.¹⁰ Specifically, applicants “shall post online notice . . . on an applicant-affiliated website” or a publicly accessible website if the applicant does not maintain or have access to an applicant-affiliated website.¹¹ Here, Sun Signals violated section 73.3580 of the Rules because it did not give online notice of the Renewal Application.¹²

9. Based on the foregoing, the Bureau commenced the Investigation and suspended processing of the Renewal Application. The Parties acknowledge that any proceedings that might result from the Violations would be time-consuming and require a substantial expenditure of public and private resources. In order to conserve such resources, resolve the matters, and promote compliance with the Rules, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

IV. TERMS OF AGREEMENT

10. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

11. **Jurisdiction.** Licensee agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

12. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. Upon the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Licensee agrees that it is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. Any violation of the Adopting Order or the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to enforcement of a Commission order.

13. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, Licensee agrees to

⁷ *Id.* Per section 1.1118 of the Rules, we will bill Sun Signals retroactively for the application fee and impose a 25 percent penalty. See 47 CFR § 1.1118.

⁸ *Id.* § 74.1251(c).

⁹ *Id.*

¹⁰ *Id.* § 73.3580(c)(3)(ii).

¹¹ *Id.* § 73.3580(b)(2)(ii).

¹² *Id.*

the terms, conditions, and procedures contained herein.

14. The Bureau further agrees that, in the absence of new material evidence, it will not use the Violations or the existence of this Consent Decree in any action against Licensee concerning the matters that were the subject of the Investigation, provided that the Licensee satisfies all of its obligations under this Consent Decree. In the event that the Licensee fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

15. **Admission of Facts.** Licensee stipulates that its actions described in Paragraphs 3 to 8 violated section 325(a) of the Act, 47 U.S.C. § 325(a), and sections 73.1207(b), 1.17(a)(2), 73.3580, 74.1263(b), 74.1234(a)(2), 74.1283(c), and 74.1251(c) of the Rules, 47 CFR §§ 73.1207(b), 1.17(a)(2), 73.3580(c)(3)(ii), 74.1263(b), 74.1234(a)(2), 74.1283(c), and 74.1251(c).

16. **Voluntary Contribution.** Licensee agrees to pay the Voluntary Contribution to the United States Treasury in the amount of six thousand dollars (\$6,000), within thirty (30) calendar days after the Effective Date. Licensee acknowledges and agrees that upon execution of this Consent Decree, the Voluntary Contribution shall become a “Claim” or “Debt” as defined in section 3701(b)(1) of the Debt Collection Improvement Act of 1996.¹³

17. **Payment.** Licensee will also send electronic notification of payment to Joseph Cohen at Joseph.Cohen@fcc.gov and Olivia Hill at Olivia.Hill@fcc.gov on the date said payment is made. Payment of the Voluntary Contribution must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission’s online payment system),¹⁴ or by wire transfer. The Commission no longer accepts Voluntary Contribution payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹⁵

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed FCC 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 FCC 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).¹⁶ 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 Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After

¹³ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

¹⁴ Payments made using CORES do not require the submission of an FCC Form 159.

¹⁵ 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.

¹⁶ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.

- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, 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.

18. **Qualifications; Agreement to Grant.** The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether the Licensee possesses the basic qualifications, including those relating to character, to hold a Commission license or authorization. Accordingly, the Bureau agrees to grant the Renewal Application after the Effective Date, provided that the following conditions have been met: (1) the Voluntary Contribution payment, referenced in paragraph 16 of this Decree, has been fully and timely satisfied, 2) payment of the Renewal Application filing fee plus a 25 percent penalty, 3) the Renewal Application has been amended as directed in the Adopting Order; and 4) there are no issues other than the Violations that would preclude grant of the Application.

19. **Waivers.** Licensee agrees to waive any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Adopting Order, provided the Consent Decree is adopted without change, addition or modification. If any Party (or the United States on behalf of the Commission), brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, no Party will contest the validity of the Consent Decree or Adopting Order, and Licensee will waive any statutory right to a *trial de novo*. Licensee further agrees to waive any claims it may otherwise have under the Equal Access to Justice Act¹⁷ relating to the Consent Decree or Adopting Order.

20. **Severability.** The Parties agree that if a court of competent jurisdiction renders any of the provisions of this Consent Decree unenforceable, such unenforceability shall not render unenforceable the Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

21. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

22. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Licensee does not expressly consent), such provision will be superseded by such Rule or order.

23. **Successors and Assigns.** Licensee agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

¹⁷ 5 U.S.C. § 504; 47 CFR §§ 1.1501-.1530.

24. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

25. **Modifications.** This Consent Decree cannot be modified or amended without the advance written consent of all Parties.

26. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

27. **Authorized Representative.** Each Party represents and warrants to the other Party that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

28. **Counterparts.** This Consent Decree may be signed in counterparts and/or electronically and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed electronically or by original signatures.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**



By: _____
Albert Shuldiner, Chief, Audio Division

Date: 12/2/2025

Sun Signals LLC

By: _____
Dennis Jackson, Managing Member

Date: _____

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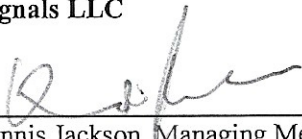
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**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: _____
Albert Shuldiner, Chief, Audio Division

Date: _____

Sun Signals LLC

By:  _____
Dennis Jackson, Managing Member

Date: Nov. 24, 2025