

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Liability of
WTOP License Limited Partnership
Licensee, Radio Station WTOP(AM)
Washington, DC

For a Forfeiture

MEMORANDUM OPINION AND ORDER

Adopted: June 19, 1996

Released: June 21, 1996

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to authority delegated by Section 0.283 of the Commission's Rules, has under consideration (1) a Notice of Apparent Liability released October 6, 1995 (*WTOP Licensee Limited Partnership*, 10 FCC Rcd 11002 (MMB 1995)), assessing a forfeiture of \$5,000 against WTOP License Limited Partnership (WTOP), licensee of Station WTOP(AM), Washington, DC, for violation of Section 317 of the Communications Act of 1934, as amended, and Section 73.1212 of the Commission's Rules (sponsorship identification), and (2) the licensee's response filed October 26, 1995.

2. In its response, WTOP contends that the forfeiture should be rescinded or reduced because, although the subject announcements did not comply with the literal terms of Section 73.1212 of the Commission's Rules, they contained a tag line stating that the announcement was commercial in nature. Further, the licensee claims that identification of the sponsor would not provide any useful information to the listener. Finally, WTOP states that the station has a history of compliance with all Commission rules and has not been found to have previously violated any FCC rule or policy.

3. In setting the forfeiture amount, we specifically considered that the announcements were clearly identified as commercial in nature, and thus could not have been mistaken for a public service or similar announcement. However, the announcements did not identify the sponsor as required by Section 73.1212 of the Commission's Rules. Although WTOP contends that the sponsor's name would not have been informative to listeners, we disagree. Even if a listener is not familiar with the particular sponsor, the broadcast of its name would at least allow the listener to identify the type of sponsor involved, a fact not readily ascertainable from the announcements themselves.

4. The Commission will consider, as a mitigating factor, the licensee's history of compliance with the Commission's rules and policies. Accordingly, we will reduce the amount of the forfeiture from \$5,000 to \$3,000.

5. IT IS ORDERED, that WTOP License Limited Partnership, licensee of Station WTOP(AM), Washington, DC, FORFEIT to the United States the sum of three thousand dollars (\$3,000) for the repeated violation of Section 317 of the Communications Act of 1934, as amended, and Section 73.1212 of the Commission's Rules. Payment of the forfeiture may be made by mailing to the Commission, at the address indicated in the attachment to the Memorandum Opinion and Order, a check or similar instrument payable to the Federal Communications Commission. In regard to the forfeiture proceeding, the licensee may take any of the actions set forth in Section 1.80 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION


Roy J. Stewart
Chief, Mass Media Bureau

Attachment