

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

In the Matter of)	
)	
WBLT, Inc.)	File Number EB-04-NF-042
Owner of Antenna Structure # 1242296)	NAL/Acct. No. 200532640001
Bedford, VA)	FRN 0006362651

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: February 25, 2005

By the Resident Agent, Norfolk Office, South Central Region, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find WBLT, Inc. (“WBLT”), owner of an antenna structure located at or near geographic coordinates 37° 20’ 50.5” N, 79° 31’ 24” W, Bedford, Virginia, apparently liable for a forfeiture in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.4(a) of the Commission’s Rules (“Rules”).¹ Specifically, we find WBLT apparently liable for failing to register its antenna structure.

II. BACKGROUND

2. WBLT acquired the license for AM station WBLT in Bedford, Virginia on April 12, 2002. In response to receiving information about WBLT failing to renew its broadcast station license in a timely manner, an agent from the Commission’s Norfolk Office of the Enforcement Bureau (“Norfolk Office”) conducted an inspection of the station on February 27, 2004. During that inspection, the agent observed that a registration number was not posted on the antenna structure behind the station’s studio, at or near geographic coordinates 37° 20’ 50.5” N, 79° 31’ 24” W. On February 27, 2004, the sole officer, director, and owner of WBLT admitted that WBLT owned the antenna structure. He was aware of the painting and lighting requirements for the structure and had repaired the structure’s lights in August 2003. He also admitted that he had not registered the structure since WBLT purchased it.

III. DISCUSSION

3. Section 17.4(a) of the Rules states that the owner of any proposed or existing antenna

¹47 C.F.R. § 17.4(a).

structure that requires notice of proposed construction to the FAA must register the structure with the Commission.² On February 27, 2004, WBLT admitted that it had never registered its antenna structure. On March 1, 2004, WBLT obtained registration number 1242296 for its WBLT tower.

4. Based on the evidence before us, we find WBLT apparently willfully³ and repeatedly⁴ violated Section 17.4(a) of the Rules by failing to register its antenna structure.

5. Pursuant to Section 1.80(b)(4) of the Rules,⁵ the base forfeiture amount for failing to register an antenna structure is \$3,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Act, which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁶ Considering the entire record and applying the factors listed above, we conclude that WBLT is apparently liable for a \$3,000 forfeiture.

IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,⁷ and Sections 0.111, 0.311 and 1.80 of the Commission's Rules,⁸ WBLT is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.4(a) of the Rules by failing to register its antenna structure.

7. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this *NAL*, WBLT **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

²47 C.F.R. § 17.4(a).

³Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act" See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

⁴The term "repeated," when used with reference to the commission or omission of any act, "means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2).

⁵47 C.F.R. § 1.80(b)(4).

⁶47 U.S.C. § 503(b)(2)(D).

⁷47 U.S.C. § 503(b).

⁸47 C.F.R. §§ 0.111, 0.311, 1.80.

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8. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. Payment by check or money order may be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, IL 60673-7482. Payment by overnight mail may be sent to Bank One/LB 73482, 525 West Monroe, 8th Floor Mailroom, Chicago, IL 60661. Payment by wire transfer may be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259. The payment should note NAL/Acct. No. 200532640001, and FRN 6362651. Requests for payment of the full amount of this *NAL* under an installment plan should be sent to: Chief, Revenue and Receivable Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁹

9. The response, if any, must be mailed to Federal Communications Commission, Enforcement Bureau, South Central Region, Norfolk Office; 1457 Mount Pleasant Road, Suite 113; Chesapeake VA 23322; within thirty days of the release date of this *NAL* and **MUST INCLUDE THE NAL/Acct. No.** referenced above.

10. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

11. **IT IS FURTHER ORDERED** that a copy of this *NAL* shall be sent by regular mail and Certified Mail Return Receipt Requested to WBLT at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Husnay
Resident Agent, Norfolk Office
South Central Region
Enforcement Bureau

⁹See 47 C.F.R. § 1.1914.