

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

In re Application of
Utica College
For Renewal of License for
Station WPNR-FM
Utica, New York
NAL/Acct. No. MB200841410008
FRN 0003407368
File No. BRED-20060412ABU
Facility ID No. 64355

ORDER

Adopted: November 26, 2008

Released: November 28, 2008

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau and Utica College (the "Licensee"), licensee of non-commercial educational Station WPNR-FM, Utica, New York (the "Station"). The Consent Decree resolves issues arising from the Bureau's review of the captioned license renewal application for the Station as to whether the Licensee violated Section 73.3527 of the Commission's Rules (the "Rules"), which governs the maintenance of a noncommercial educational station's public file.

2. The Consent Decree provides, among other things, that the Licensee will institute and maintain, for three years, a Compliance Plan for the Station and make a \$10,000 voluntary contribution to the United States Treasury. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's consideration of whether the Licensee violated the Public File Rule.

4. Based on the record before us, we conclude that nothing in that record creates a substantial or material question of fact whether the Licensee possesses the basic qualifications to remain a Commission licensee.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, and by the authority delegated by Sections 0.61 and 0.283 of the Rules, the Consent Decree attached hereto IS ADOPTED.

1 47 C.F.R. § 73.3527.

2 47 U.S.C. § 4(i).

3 47 C.F.R. §§ 0.61, 0.283.

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

7. IT IS FURTHER ORDERED that copies of this Order shall be sent, by first class mail and certified mail, return receipt requested, to Utica College, 1600 Burrstone Road, Utica, NY 13502-4892, and to its counsel, David O'Connor, Esquire., Wilkinson Barker Knauer, LLP, 2300 N Street, NW, Suite 700, Washington, DC 20037.

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai
Chief, Media Bureau