



Federal Communications Commission
Washington, D.C. 20554

October 20, 2010

DA 10-2011

In Reply Refer to:

1800B3-KLJ

NAL/Acct No.: MB-200741410397

FRN: 0007719966

Released: October 20, 2010

Mr. David R. LePage
O-N Radio, Inc.
1 Social Street
Woonsocket, Rhode Island 02895

Re: Station WOON(AM), Woonsocket, RI
Facility ID No. 73676
File No. BR-20060327AIY

Dear Mr. LePage

We have before us an October 29, 2007, Response to Notice of Apparent Liability for Forfeiture ("Response") filed on behalf of O-N Radio, Inc. ("Licensee"), licensee of Station WOON(AM), Woonsocket, Rhode Island ("Station"). The Response requests the cancellation of the October 17, 2007, Notice of Apparent Liability for Forfeiture ("NAL")¹ in the amount of one thousand, five hundred dollars (\$1,500) issued to Licensee for willfully violating Section 73.3539 of the Commission's Rules ("Rules"), for its failure to timely file a license renewal application. By this action, we cancel the *NAL* and admonish Licensee for filing the renewal application in paper format without demonstrating good cause.

Background. As noted in the *NAL*, Licensee's renewal application for the Station's current license term was due on December 1, 2005, four months prior to the April 1, 2006, license expiration date. The Licensee did not file the renewal application until March 27, 2006. On October 17, 2007, the staff advised Licensee of its apparent liability for a forfeiture of \$1,500 for its failure to timely file a renewal application for the Station.² Licensee filed its Response on October 29, 2007.

Licensee asserts that it should be excused from liability because: 1) it timely filed a renewal application for the Station, although it did not do so electronically; and 2) its failure to properly file the renewal application was not willful.³

Discussion. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of The Communications Act of 1934, as amended,⁴ Section 1.80 of the Rules,⁵ and the Commission's *Forfeiture Policy Statement*.⁶ In assessing forfeitures, Section 503(b)(2)(E) of the Act

¹ *O-N Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 18561 (MB 2007) ("*NAL*"). The Commission granted the above-referenced license renewal application on October 17, 2007.

² *O-N Radio, Inc.*, 22 FCC Rcd at 18561.

³ See Response at 1-2.

⁴ 47 U.S.C. § 503(b).

⁵ 47 C.F.R. § 1.80.

requires that we take into account 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 such other matters as justice may require.⁷

Licensee states that a paper copy of the renewal application was submitted in December 2005. The staff has determined that a paper application dated November 29, 2005, was timely submitted by Licensee. However, Licensee was required to file its renewal application electronically.⁸ Licensees are responsible for knowing and observing the rules affecting their activities, including the timely submission of required forms.⁹ Untimely or improperly filed renewal applications disrupt the orderly processing of renewal applications in accordance with the staggered filing set forth in Section 73.1020 of the Rules.¹⁰ Because Licensee did timely tender a renewal application for the Station, albeit in paper form, we will cancel the *NAL*. However, because it improperly filed the renewal application and did not provide a showing of good cause, we will admonish it.¹¹ In light of this finding, we need not address Licensee's remaining argument.

Conclusion/Actions. In view of the foregoing, the Notice of Apparent Liability (MB-200741410397) for violation of Section 73.3539 of the Rules is HEREBY CANCELLED. O-N Radio, Inc., is instead hereby ADMONISHED for filing the license renewal application for Station WOON(AM), Woonsocket, Rhode Island, in paper format without demonstrating good cause.

Sincerely,

Peter H. Doyle, Chief
Audio Division
Media Bureau

⁶ *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

⁷ 47 U.S.C. § 503(b)(2)(E).

⁸ *See New FCC Form 303-S Available for Use*, Public Notice, 18 FCC Rcd 5088 (MB Mar. 21, 2003); *see also* Instructions for FCC 303-S ("Application for Renewal of Broadcast Station License").

⁹ *See, e.g., Rego, Inc.*, Forfeiture Order, 16 FCC Rcd 16795, 16797 (EB 2001).

¹⁰ 47 C.F.R. § 73.1020.

¹¹ *See K.S.L.O. Broadcasting Co., Inc.*, Letter, 24 FCC Rcd 4785 (MB 2009) (cancelling NAL and admonishing licensee for failure to file its renewal application in electronic form); *Peter Gutmann, Esq.*, Letter, 23 FCC Rcd 14666 (MB 2008) (same).