



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

February 8, 2011

DA 11-233

In Reply Refer To:

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NAL/Acct. No. MB-200741410295

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In re: WDVX(FM), Clinton, Tennessee
Facility ID No. 14724

File No. BRED-20040331ANB

Application for Renewal

Dear Counsel:

We hereby cancel a proposed forfeiture in the amount of ten thousand dollars (\$10,000) to Cumberland Communities Communications Corporation ("Licensee"), licensee of noncommercial educational radio station WDVX(FM), Clinton, Tennessee ("Station") and admonish Licensee for violating Section 73.3527 of the Commission's Rules ("Rules").

Background. On March 26, 2007, the Media Bureau ("Bureau") granted the above-referenced application for license renewal. On March 28, 2007, the Bureau issued a Notice of Apparent Liability for Forfeiture ("NAL") proposing a forfeiture in the amount of ten thousand dollars (\$10,000) to Licensee for its apparent willful and repeated violation of Section 73.3527 of the Rules for failure to retain all required documentation in the Station's public inspection file.¹ On April 26, 2007, Licensee filed a response to the NAL ("Response"). In its Response, Licensee asks that we cancel or reduce the proposed forfeiture due to its inability to pay.²

Discussion. Under Section 503(b)(1)(B) of the Communications Act of 1934, as amended ("Act"), any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be

¹ *Cumberland Communities Communications Corporation*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 5553 (MB 2007). Licensee admitted that it failed to place quarterly issues/programs reports in the public file from January 1997, through June 1999, and did not properly format the lists or place them in the Station's public file until mid-August, 2004.

² Response at 2-3.

liable to the United States for a forfeiture penalty.³ However, Section 503(b)(6)(A) of the Act provides that a forfeiture cannot be imposed on a person holding a broadcast license if the violation charged occurred: (i) more than 1 year prior to the date of issuance of the required notice or notice of apparent liability; or (ii) prior to the date of commencement of the current term of such license, whichever is earlier.⁴ Here, the current license term commenced on March 26, 2007, with the grant of the license renewal application; we issued the notice of apparent liability on March 28, 2007, while the violations identified in the NAL apparently continued through August, 2004. Accordingly, we cancel the proposed forfeiture because it was imposed for violations occurring prior to the commencement date of the current license term and more than one year prior to the issuance of the NAL.

Conclusion. Accordingly, IT IS ORDERED, pursuant to Section 503(b)(6)(A) of the Communications Act of 1934, as amended, that the Notice of Apparent Liability to Cumberland Communities Communications Corporation, issued on March 28, 2007, IS CANCELLED. Cumberland Communities Communications Corporation is instead hereby ADMONISHED for its violations of Section 73.3527 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc. Ms. Linda Billman, President, Cumberland Communities Communications Corporation

³ 47 U.S.C. § 503(b)(1)(B). *See also* 47 C.F.R. 1.80(a)(1).

⁴ *See* 47 U.S.C. § 503(b)(6)(A), as implemented by 47 C.F.R. § 1.80(c)(1). *See also Cumulus Licensing LLC KGEE(FM)*, Letter, 23 FCC Rcd 4471 (MB 2008) (declining, pursuant to Section 503(b)(6)(A) of the Act, to propose a forfeiture for willful and repeated Rule violations).