



Federal Communications Commission
Washington, D.C. 20554

June 9, 2011

In Reply Refer to:
1800B3-ML

Lewis Goldman, Esq.
25 Dudley Court
Bethesda, MD 20814

In re: **Columbia City Joint High School**
WJHS (FM), Columbia City, Indiana
Facility ID 12423
File No. BRED-20050228ABN

Petition for Reconsideration

Dear Counsel:

We have before us a Petition for Reconsideration ("Petition") filed on October 26, 2009, by Columbia City Joint High School ("Columbia City"), licensee of Station WJHS(FM), Columbia City, Indiana ("Station"). The Petition requests reconsideration of a Forfeiture Order released on September 17, 2009, which issued a monetary forfeiture in the amount of seven thousand dollars (\$7,000) to Columbia City for willfully and repeatedly violating Section 73.3539 of the Commission's Rules ("Rules")¹ and Section 301 of the Communications Act of 1934, as amended,² by failing to timely file a license renewal application and engaging in unauthorized operation of the Station.³ For the reasons discussed below, we deny the Petition.

Background. Columbia City's renewal application for the Station's current license term was due on April 1, 2004, four months prior to the August 1, 2004, expiration date.⁴ Columbia City did not file the application, however, until February 28, 2005, and did not file a request for special temporary authorization ("STA") for authority to continue station operations pending consideration of the late-filed renewal application until November 2, 2005. The staff granted the STA request on November 10, 2005. By the terms of the STA letter, that authority expired on May 10, 2006, and Columbia City failed to timely file for an extension of the STA for further authority to continue the Station's operations.

On January 31, 2007, the Bureau issued a Notice of Apparent Liability for Forfeiture in the amount of seven thousand dollars (\$7,000) to Columbia City for failing to timely file the Station's renewal application and for unauthorized operation of the Station.⁵ In response to the *NAL*, Columbia City requested cancellation of the proposed forfeiture. Among other things, Columbia City urged the staff to consider its status as a non-profit governmental entity and personnel issues that caused "an unfortunate, temporary gap in supervision of certain important matters such as renewing the Station WJHS(FM)

¹ 47 C.F.R. § 73.3539.

² 47 U.S.C. § 301.

³ *Columbia City Joint High School*, Forfeiture Order, 24 FCC Rcd 11930 (MB 2009) ("*Forfeiture Order*").

⁴ See 47 C.F.R. §§ 73.1020, 73.3539(a).

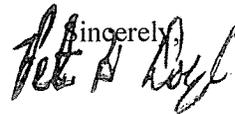
⁵ *Columbia City Joint High School*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 1572 (MB 2007) ("*NAL*").

license.”⁶ The staff rejected Columbia City’s request.⁷ The staff cited established Commission policy that “there is no proposed forfeiture exemption or reduction based on the noncommercial status of a station.”⁸ The staff also found that Columbia City’s personnel issues did not excuse its conduct, as it is the licensee who is ultimately responsible for ensuring compliance with the Rules by filing a timely renewal application.⁹ Columbia City then filed the subject Petition.

Discussion. Petitions for Reconsideration are granted in limited circumstances.¹⁰ The Commission considers a Petition for Reconsideration only when petitioner shows either a material error in the Commission’s original order or raises changed circumstances or unknown additional facts not known or existing at the time of petitioner’s last opportunity to present such matters.¹¹ Columbia City has not met this burden.

Columbia City argues that it is unfair to punish current students and faculty of a public high school when an ex-faculty member was responsible for the violation.¹² The Bureau considered and rejected this argument in the *Forfeiture Order*, finding that neither the absence of the employee who normally handles FCC licensing¹³ nor the non-commercial status of a licensee¹⁴ warranted a forfeiture waiver or reduction. As Columbia City does not raise any new information reflecting changed circumstances, present additional facts not known at the time of its Response, or attempt to show anything more than a disagreement with the *Forfeiture Order*’s decision, we will deny the Petition.

Conclusion. Accordingly, for the reasons discussed above, IT IS ORDERED, that the Petition for Reconsideration filed by Columbia City Joint High School on October 26, 2009, IS DENIED.

Sincerely,


Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Columbia City Joint High School

⁶ *Forfeiture Order*, 24 FCC Rcd at 11931, ¶ 7.

⁷ *Id.* at 11933.

⁸ *Id.* at 11932, ¶ 8, citing *Des Moines Independent Community School District*, Memorandum Opinion and Order, 24 FCC Rcd 3869 (MB 2009).

⁹ *Forfeiture Order*, 24 FCC Rcd at 11931-32, ¶ 7, citing *Educational Media Foundation*, Letter, 2008 WL 4693171 (MB 2008).

¹⁰ See 47 C.F.R. § 1.106; *Christian Family Network, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 18369, 18371 (2008).

¹¹ *Id.*

¹² Petition at 2.

¹³ *Forfeiture Order*, 24 FCC Rcd at 11931-32, ¶ 7, citing *Educational Media Foundation*, Letter, 2008 WL 4693171 (MB 2008).

¹⁴ *Forfeiture Order*, 24 FCC Rcd at 11932, ¶ 8, citing *Bible Broadcasting Network, Inc.*, Forfeiture Order, 25 FCC Rcd 3851 (MB 2010) (“It is established Commission policy that there is no proposed forfeiture exemption or reduction based on the noncommercial status of a station”).