



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

August 3, 2011

In Reply Refer To:
1800B3-SH
NAL/Acct. No. MB-200741410101
FRN:0011235074

Mr. John Ambroziac
Melodynamic Broadcasting Corporation
4537 22nd Street, NW
Canton, Ohio 44708

In re: WCER(AM), Canton, Ohio
Facility ID No. 41131
File No. BR-20040721AEC

**Application for Renewal of License
Notice of Apparent Liability**

Dear Licensee:

We hereby cancel a proposed forfeiture in the amount of one thousand, five hundred dollars (\$1,500) issued to Melodynamic Broadcasting Corporation ("Licensee"), licensee of Station WCER(AM), Canton, Ohio ("Station"), and admonish Licensee for violating Section 73.3539 of the Commission's Rules ("Rules").

Background. On January 31, 2007, the Media Bureau ("Bureau") granted the above-referenced application for license renewal. On February 28, 2007, the Bureau issued a Notice of Apparent Liability for Forfeiture ("NAL") proposing a forfeiture in the amount of one thousand, five hundred dollars (\$1,500) to Licensee for its apparent willful violation of Section 73.3539 of the Rules for failure to timely file a license renewal application for the Station.¹ On March 29, 2007, Licensee filed a response to the NAL ("Response"). In its Response, Licensee asks that we cancel or reduce the proposed forfeiture, arguing that its Rule violation was due to the illness of its CEO and general manager.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 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

¹ *Melodynamic Broadcasting Corp.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 4013 (MB 2007). An application for renewal of the Station's license should have been filed by June 1, 2004, four months prior to the Station's October 1, 2004, license expiration date, but was not. The Licensee did not file the renewal application until July 21, 2004.


² Response at 1-2.

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

earlier.⁴ Here, the current license term commenced on January 31, 2007, with the grant of the license renewal application. We issued the notice of apparent liability on February 28, 2007, while the violation identified in the NAL apparently continued only through July 21, 2004, when Licensee filed the license renewal application for the Station. Accordingly, we cancel the proposed forfeiture because the violation occurred 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 Melodynamic Broadcasting Corporation, issued on February 28, 2007, IS CANCELLED. Melodynamic Broadcasting Corporation is instead hereby ADMONISHED for its violation of Section 73.3539 of the Commission's Rules.

Sincerely,


Peter H. Doyle
Chief, Audio Division
Media Bureau

⁴ See 47 U.S.C. 503(b)(6)(A); 47 C.F.R. § 1.80(c)(1). See also *John Crigler, Esq., and Melodie Virtue, Esq.*, Letter, 26 FCC Rcd 1186 (MB 2011) (declining, pursuant to Section 503(b)(6)(A) of the Act, to propose a forfeiture for willful and repeated Rule violations).