

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

In the Matter of)	
)	
Trine University)	File No. BRED-20040323ASY
(formerly Tri-State University))	Facility I.D. No. 67795
Licensee of Station WEAX(FM),)	
Angola, Indiana)	

MEMORANDUM OPINION AND ORDER

Adopted: April 15, 2014

Released: April 16, 2014

By the Commission:

1. The Commission has before it the Application for Review (“AFR”) filed on May 28, 2009, by Trine University (“Trine”), licensee of noncommercial (“NCE”) FM Station WEAX(FM), Angola, Indiana (“Station”). Trine seeks review of a Forfeiture Order issued by the Media Bureau (“Bureau”) in the amount of \$7,200 for Trine’s willful and repeated violation of Section 73.3527 of the Commission’s Rules (“Rules”)¹ by failing to properly maintain a public file for the Station.²

2. The Bureau notified Trine of its apparent liability in the amount of \$9,000 for this violation,³ and Trine requested a cancellation or reduction of the *NAL*. The Bureau reduced the proposed forfeiture to \$7,200 based on Trine’s history of compliance with the Rules, but rejected Trine’s request to reduce the amount based on financial hardship because Trine only provided a one-page document reflecting the Station’s budget rather than the finances of the university as a whole.⁴ In the AFR, Trine again requests reduction of the forfeiture amount based on financial hardship and argues that the Commission should consider only the station’s finances and not those of the university.⁵

3. Upon review of the AFR and the entire record, and finding no basis in the AFR to modify the Bureau’s decisions, we conclude that Trine has failed to demonstrate that the Bureau erred. We uphold the forfeiture amount for the reasons set forth in the *Forfeiture Order*.

¹ 47 C.F.R. § 73.3527.

² Commission records indicate that Trine has paid the \$7,200 forfeiture.

³ *Tri-State University*, Letter, Ref. 1800B3-MAT (MB Feb. 22, 2006) (“*NAL*”).

⁴ *Tri-State University*, Forfeiture Order, 24 FCC Rcd 4961, 4963-64 (MB 2009) (“*Forfeiture Order*”).

⁵ AFR at 4.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,⁶ and Section 1.115(g) of the Commission's Rules,⁷ the Application for Review filed by Trine University IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁶ 47 U.S.C. § 155(c)(5).

⁷ 47 C.F.R. § 1.115(g).