

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

In the Matter of)	
)	
Carolina Radio Group, Inc.)	NAL/Acct. No. MB-201941410009
)	FRN: 0001940766
Application for License to Cover)	Facility ID No. 143608
W225DF, Raleigh, North Carolina)	File No. BLFT-20190425AAW

FORFEITURE ORDER

Adopted: March 02, 2020

Released: March 02, 2020

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of two thousand dollars (\$2,000) to Carolina Radio Group, Inc. (CRG), licensee of FM Translator station W225DF, Raleigh, North Carolina (Translator), for willfully and repeatedly violating section 74.1251(c) of the Commission's rules (Rules) by failing to notify the Commission that the Translator had changed its primary station, and willfully and repeatedly violating section 74.1232(b) of the Rules by failing to provide a "technical need" showing in support of that change.¹

II. BACKGROUND

2. On May 1, 2019, we granted CRG a license to operate the Translator.² The license specifies that the Translator's primary station is WQDR-FM(HD3). However, we determined that the Translator did not rebroadcast its authorized primary station for a period of about a month and, as a result, violated sections 74.1232(b),³ and 74.1251(c) of the Rules.⁴ Accordingly, on December 5, 2019, we released a Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (NAL) that proposed a forfeiture of two thousand dollars (\$2,000).⁵ The NAL gave CRG thirty (30) days to pay the full amount of the proposed forfeiture, or file a written statement seeking reduction or cancellation of the proposed forfeiture.⁶ To date, CRG has neither paid the proposed forfeiture nor filed a written statement in response to the NAL.

¹ See 47 CFR §§ 74.1232(b), 74.1251(c).

² *Broadcast Actions*, Public Notice, Report No. 49480, at 4 (MB May 6, 2019).

³ Section 74.1232(b) permits an entity to hold the licenses for multiple FM translators serving "substantially the same area ... upon an appropriate showing of technical need." 47 CFR § 74.1232(b).

⁴ Section 74.1251(c) requires a translator permittee or licensee to notify the Commission in writing of any change in primary station designation. 47 CFR § 74.1251(c). This allows staff to verify that the change complies with the Commission's translator rules (such as the signal delivery and technical need rules). *Processing of Broadcast Applications*, First Report and Order, 56 RR 2d 941 (1984).

⁵ *Carolina Radio Group, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 19-1235 (MB Dec. 5, 2019).

⁶ *Id.* at para. 11.

III. DISCUSSION

3. The forfeiture amount proposed in this case was assessed in accordance with 503(b) of the Communications Act of 1934, as amended (the Act),⁷ Section 1.80 of the Rules,⁸ and the Commission's Forfeiture Policy Statement,⁹ which establish a base forfeiture amount of \$3,000 for failure to file required forms or information, and a base forfeiture of \$4,000 for unauthorized emissions.¹⁰ In assessing the proposed forfeiture here, we considered 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."¹¹ CRG has not responded to the NAL. Accordingly, we affirm the two thousand dollar (\$2,000) forfeiture proposed therein.

IV. ORDERING CLAUSES

4. **IT IS ORDERED**, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the Commission's Rules, that Carolina Radio Group, Inc., **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$2,000 for its apparent willful and repeated violations of sections 74.1232(b) and 74.1251(c) of the Commission's rules.

5. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 270000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer – Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.¹² Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

⁷ 47 U.S.C. § 503(b).

⁸ 47 CFR § 1.80.

⁹ *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).

¹⁰ *See id.* at 17113-15; 47 CFR § 1.80(b)(8), note to paragraph (b)(8), Section I.

¹¹ 47 U.S.C. § 503(b)(2)(E).

¹² *See* 47 CFR § 1.1914.

6. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Carolina Radio Group, Inc., 3012 Highwoods Boulevard, Suite 201, Raleigh, NC 27604, and its counsel, Coe W. Ramsey, Esq., Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, 150 Fayetteville Street, Raleigh, NC 27601.

FEDERAL COMMUNICATIONS COMMISSION



Albert Shuldiner
Chief, Audio Division, Media Bureau

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carolina Radio Group, Inc.
3012 Highlands Boulevard
Suite 201
Raleigh, NC 27604

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Chelsea Del*

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Chelsea Del

C. Date of Delivery
3-6-20

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes ☒ No

2. Article Number

(Transfer from service label)

7008 1830 0004 0201 4866

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Coe W. Ramsey, Esq.
Brooks, Pierce, McLenahan, Humphrey
& Leonard, LLP
150 Fayetteville Street
Raleigh, NC 27601

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Chelsea Del

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Karen Garafalo

C. Date of Delivery
3-6-2020

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes ☒ No

2. Article Number

(Transfer from service label)

7008 1830 0004 0201 4873

PS Form 3811, February 2004

Domestic Return Receipt

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U.S. Postal Service

CERTIFIED MAIL RECEIPT

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For delivery information visit our website at www.usps.com

OFFICIAL USE

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Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees

\$ 3.50
3.55
2.85
MAR 03 2020
ANNAPOLIS
SECTION 117
Postmark

Sent To

Carolina Radio Group, Inc.
Street, Apt. No.: 3012 Highlands Boulevard, Suite 201
City, State, ZIP+4 Raleigh, NC 27604

PS Form 3800, August 2005

See Reverse for Instructions

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees

\$ 3.50
3.55
2.85
MAR 03 2020
Postmark
Here

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Street, Apt. No.: 150 Fayetteville Street
City, State, ZIP+4 Raleigh, NC 27601

PS Form 3800, August 2005

See Reverse for Instructions