

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

In the Matter of	)	
	)	File No.: EB-02-AT-307
J.L. Brewer Broadcasting of Cleveland, LLC	)	NAL/Acct. No. 200232480020
Chattanooga, Tennessee	)	FRN 0003-7349-10

**MEMORANDUM OPINION AND ORDER**

**Adopted: July 9, 2003**

**Released: July 11, 2003**

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we grant the petition for reconsideration filed by J.L. Brewer Broadcasting of Cleveland, LLC (“*Brewer*”) of our *Forfeiture Order*<sup>1</sup> finding it liable for a monetary forfeiture in the amount of three thousand dollar (\$3,000) for an apparent willful violation of Section 17.4(a) of the Commission’s Rules (“*Rules*”).<sup>2</sup> The alleged violation was failure to register an antenna structure.

2. Brewer is the licensee of broadcast station WDNT(AM) in Dayton, Tennessee. On September 9, 2002, the District Director of the Commission’s Atlanta, Georgia, Field Office (“*Atlanta Office*”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) <sup>3</sup> in the amount of \$3,000 to Brewer for failure to register WDNT’s antenna structure, in apparent willful violation of Section 17.4(a) of the Commission’s Rules. After Brewer failed to respond to the *NAL*, the Enforcement Bureau issued a *Forfeiture Order* affirming the forfeiture. In its petition for reconsideration of the *Forfeiture Order*, Brewer asserts that it does not own the antenna structure used by WDNT. The Atlanta Office has now confirmed that Brewer does not own WDNT’s antenna structure and did not own it at the time of the alleged violation.<sup>4</sup>

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 405 of the Communications Act of 1934, as amended (“*Act*”),<sup>5</sup> and Section 1.106 of the Rules,<sup>6</sup> Brewer’s petition for reconsideration **IS GRANTED**; and that, pursuant to Section 504(b) of the Act<sup>7</sup> and Section 1.80(f)(4) of the Rules,<sup>8</sup> the \$3,000 monetary forfeiture issued to Brewer **IS CANCELLED**.

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<sup>1</sup> 18 FCC Rcd 1035 (Enf. Bur. 2003)

<sup>2</sup> 47 C.F.R. § 17.4(a).

<sup>3</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200232480020 (Enf. Bur., Atlanta Office, released September 9, 2002).

<sup>4</sup> At the time of the inspection, a station representative informed our agent that the licensee owned the tower.

<sup>5</sup> 47 U.S.C. § 405

<sup>6</sup> 47 C.F.R. § 1.106

<sup>7</sup> 47 U.S.C. § 504(b).

<sup>8</sup> 47 C.F.R. § 1.80(f)(4).

4. **IT IS FURTHER ORDERED THAT** a copy of this *Order* shall be sent by first class mail and certified mail, return receipt requested, to J.L. Brewer Broadcasting of Cleveland, LLC, 1305 Carter Street, Chattanooga, Tennessee 37402.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau