

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

|                             |   |                               |
|-----------------------------|---|-------------------------------|
| In re Application of        | ) |                               |
|                             | ) |                               |
| <b>Radio Hatteras, Inc.</b> | ) | Facility ID No. 164162        |
|                             | ) | NAL/Acct. No. MB-201941410012 |
| For Renewal of License for  | ) | FRN: 0017000449               |
| Station WHDZ(FM)            | ) | File No. 0000087381           |
| Buxton, North Carolina      | ) |                               |
|                             | ) |                               |

**ORDER**

**Adopted: January 13, 2020**

**Released: January 13, 2020**

By the Chief, Audio Division, Media Bureau:

1. In this *Order*, we cancel a Notice of Apparent Liability for a Forfeiture (NAL)<sup>1</sup> issued to Radio Hatteras, Inc. (Radio Hatteras), licensee of Station WHDZ(FM), Buxton, North Carolina (Station), for apparently willfully violating section 73.3539 of the Commission's rules by failing to timely file a license renewal application for the Station.

2. The NAL correctly noted that the deadline for filing applications for renewal of radio stations licensed to communities in North Carolina and South Carolina was August 1, 2019, the first day of the fourth full calendar month prior to the Station's December 1, 2019, license expiration date.<sup>2</sup> However, it incorrectly stated that Radio Hatteras did not file the Station's license renewal application until October 25, 2019.<sup>3</sup> In fact, Radio Hatteras filed the application on July 30, 2019.<sup>4</sup> The filing made on October 25, 2019, was an amendment to the application.<sup>5</sup> As the application was timely filed, we will cancel the NAL.

3. Accordingly, **IT IS HEREBY ORDERED** that, pursuant to Section 504(b) of the Communications Act of 1934, as amended,<sup>6</sup> and Sections 0.61, 0.283, and 1.80(f)(4) of the Commission's

<sup>1</sup> *Radio Hatteras, Inc.*, File No. 0000087381, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 19-1286 (MB Dec. 19, 2019) (*NAL*).

<sup>2</sup> *Id.* at para. 2, citing 47 CFR §§ 73.1020, 73.3539(a).

<sup>3</sup> *Id.* at para. 2.

<sup>4</sup> *Applications*, Public Notice, Report No. PN-1-190801-01, at 20 (MB Aug. 1, 2019). This was brought to our attention in a pleading filed by Radio Hatteras on January 9, 2020. Radio Hatteras captioned the pleading as a "Petition for Reconsideration." However, petitions for reconsideration do not lie against interlocutory actions, such as the issuance of the NAL. See 47 CFR § 1.106(a)(1). See also *South Seas Broad., Inc.*, Forfeiture Order, 27 FCC Rcd 4151, 4152 n. 7 (MB 2012) ("Because the NAL merely proposed rather than imposed a forfeiture, the Bureau's action was interlocutory in nature."), *recon. denied*, 27 FCC Rcd 15049 (MB 2012). Thus, we treat the pleading as the "written statement seeking reduction or cancellation of the proposed forfeiture" specifically authorized in the NAL. See *NAL* at para. 10. In light of the action taken here, no further action is needed on that pleading.

<sup>5</sup> *Applications*, Public Notice, Report No. PN-1-191029-01, at 5 (MB Oct. 29, 2019).

<sup>6</sup> 47 U.S.C. § 504(b).

rules,<sup>7</sup> the Notice of Apparent Liability for a Forfeiture (NAL/Acct. No. MB-201941410012) issued to Radio Hatteras, Inc. **IS CANCELLED**.

4. **IT IS FURTHER ORDERED**, that copies of this *Order* shall be sent by First Class and Certified Mail, Return Receipt Requested, to Carol O'Neal, Radio Hatteras, Inc., PO Box 339, Frisco, NC 27936, and to Timothy L. Warner, Inc., PO Box 8045, Asheville, NC 28814

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in blue ink, appearing to read 'A. Shuldiner', is written over the printed name.

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

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<sup>7</sup> 47 CFR §§ 0.61, 0.283, 1.80(f)(4).