

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	NAL/Acct. No. MB-202441410008
Southern Media Interactive LLC	)	FRN: 0022147714
	)	
WSFN(AM), Brunswick, Georgia	)	Facility ID No. 29131
W279BC, Brunswick, Georgia	)	Facility ID No. 151451

**MEMORANDUM OPINION AND ORDER AND  
NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Adopted: March 15, 2024****Released: March 15, 2024**

By the Chief, Audio Division, Media Bureau:

**I. INTRODUCTION**

1. In this *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (NAL)*,<sup>1</sup> we address Southern Media Interactive LLC's (SMI) operation of WSFN(AM), Brunswick, Georgia (Station), and its associated FM translator, W279BC, Brunswick Georgia (Translator). We find that SMI apparently (1) willfully and repeatedly operated the Station at a variance from its licensed parameters without Commission authorization, in violation of section 301 of the Communications Act of 1934, as amended (Act),<sup>2</sup> and sections 73.1635 and 73.1745(a) of the Rules,<sup>3</sup> (2) willfully and repeatedly discontinued operation of the Station without notifying the Commission or obtaining Commission authorization, in violation of section 73.1740(a)(4) of the Rules,<sup>4</sup> (3) willfully transferred control of the Station (and the Translator) to Shanks Broadcasting, LLC (Shanks) without Commission authorization in violation of section 310(d) of the Act and section 73.3540(a) of the Rules,<sup>5</sup> and (4) willfully and repeatedly failed to fully and completely respond to our requests for information in violation of section 73.1015 of the Rules.<sup>6</sup> We conclude that SMI is apparently liable for a monetary forfeiture in the amount of sixteen thousand two hundred dollars (\$16,200) for these violations. Additionally, we find that the Translator failed to operate from an authorized location for more than twelve consecutive months and that its license, therefore, terminated automatically pursuant to section 312(g) of the Act.<sup>7</sup> Accordingly, we delete the Translator from our database of authorized stations.

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<sup>1</sup> This *NAL* is issued pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the FCC's rules (Rules). See 47 U.S.C. § 503(b); 47 CFR § 1.80. The Bureau has delegated authority to issue the *NAL* under section 0.283 of the Rules. See 47 CFR § 0.283.

<sup>2</sup> 47 U.S.C. § 301.

<sup>3</sup> 47 CFR §§ 73.1635, 73.1745(a).

<sup>4</sup> *Id.* § 73.1740(a)(4).

<sup>5</sup> 47 U.S.C. § 310(d); 47 CFR § 73.3540(a).

<sup>6</sup> 47 CFR § 73.1015.

<sup>7</sup> 47 U.S.C. § 312(g).

## II. BACKGROUND

2. SMI is the licensee of both the Station and the Translator. The Station's licensed transmitter site is located at 7515 Blythe Island Highway in Brunswick, Georgia. SMI lost access to that site on September 1, 2022, which resulted in the Station going off the air. SMI requested special temporary authority (STA) for the Station to remain silent on October 31, 2022.<sup>8</sup> That same day, SMI notified the Commission that the Translator had gone off the air on October 28, 2022, and requested STA for the Translator to remain silent.<sup>9</sup> We granted both of these silent STA requests.<sup>10</sup>

3. SMI then requested STA to operate the Station with a temporary antenna from an alternate location,<sup>11</sup> which we granted.<sup>12</sup> The Station resumed operation pursuant to this engineering STA on January 1, 2023.<sup>13</sup> The Translator also resumed operation that day.<sup>14</sup>

4. Within a month or so of the Station and the Translator resuming operation, the Enforcement Bureau (EB) received an informal complaint that the Translator was operating, but the Station was silent. The complaint also alleged that the Station's transmitter site had been dismantled. On April 5, 2023, an EB Field Agent visited the Station's licensed transmitter site. He found an empty field with no visible antenna structures. The Field Agent also visited the site listed in the Station's engineering STA, but did not see a tower or antenna at that site. He did observe an empty electrical meter can mounted on a pole at the engineering STA site, which suggested that equipment requiring electrical power might previously have been present. The Field Agent was unable to receive a signal on the Station's frequency at either the licensed or the engineering STA site. With respect to the Translator, the Field Agent found no tower at the Translator's licensed site. Instead, he found the Translator operating from a tower 3.3 miles north of that site.

5. Because it appeared that the Station might have been silent (or failed to operate with authorized facilities) for an extended period of time, the Translator might have operated with unauthorized facilities, and the Translator might have been originating programming in violation of section 74.1263(b) of the Rules, we sent SMI a letter of inquiry (First LOI).<sup>15</sup> The letter required SMI to provide evidence of the Station's and the Translator's operation with authorized facilities between April 25, 2022, and the present date.<sup>16</sup>

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<sup>8</sup> Application File No. 203085.

<sup>9</sup> Application File No. 203087.

<sup>10</sup> Letter from Victoria McCauley, Attorney, Audio Division, Media Bureau, to Cary S. Tepper, Esq., counsel for Southern Media Interactive LLC (dated Nov. 18, 2022) (granting silent STA for Station); Letter from Victoria McCauley, Attorney, Audio Division, Media Bureau, to Cary S. Tepper, Esq., counsel for Southern Media Interactive LLC (dated Nov. 21, 2022) (granting silent STA for Translator).

<sup>11</sup> Application File No. BSTA-20221108AAA.

<sup>12</sup> Letter from Jerome J. Manarchuck, Audio Division, Media Bureau, to Southern Media Interactive LLC (Dec. 15, 2022).

<sup>13</sup> Application File No. 206240. The engineering STA expired on June 13, 2023. SMI requested STA to continue to operate the Station with the facilities specified in the engineering STA on September 18, 2023. Application File No. 221086. We granted this second request for engineering STA on September 27, 2023. Letter from Joseph Szczesny, Engineer, Audio Division, Media Bureau, to William J. Dorminy, Managing Member, Southern Media Interactive LLC (dated Sept. 27, 2023). This second engineering STA will expire on March 26, 2024.

<sup>14</sup> Application File No. 206427.

<sup>15</sup> Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, to Southern Media Interactive LLC (dated Aug. 2, 2023) (First LOI).

<sup>16</sup> We note that the First LOI contained a typo. It should have requested information regarding the Station's and the Translator's operations between April 5, 2022 (twelve months prior to the date the Field Agent visited the Station's licensed and STA transmitter sites and the Translator's licensed transmitter site) and the present.

6. In its response (First LOI Response),<sup>17</sup> SMI submitted declarations made by SMI's Managing Member and Shanks' Managing Member, and a technical statement from the consulting engineer who performed work for SMI.<sup>18</sup> The declarants admit that, until SMI received the First LOI, it was unaware that the Station had gone off the air.<sup>19</sup> They explain that SMI was ignorant of the Station's operational status because it cannot remotely monitor the Station's operation from the location specified in the engineering STA.<sup>20</sup> The declarants stated that they returned the Station to the air "as soon as [the engineer could]" after SMI received the First LOI.<sup>21</sup> SMI did not specify the specific date on which the Station resumed operating. SMI asserted that the Station had been on the air for most of 2023 but did not provide any station or EAS logs to support its claim.<sup>22</sup> It submitted utility bills as requested. However, the geographic coordinates of the service addresses listed in the utility bills did not correspond to the geographic coordinates of the engineering STA site.<sup>23</sup> In terms of the Translator, SMI acknowledged that the Translator continued operating when the Station was silent in 2023.<sup>24</sup> SMI did not indicate the location from which the Translator had been operating or the technical parameters for such operations.

7. We then sent a second letter of inquiry (Second LOI) to SMI.<sup>25</sup> It explained that the First LOI Response did not include all of the information and materials we had requested in the First LOI, and that some of the information contained in the First LOI Response conflicted with information in the Commission's records. The Second LOI required SMI to resolve inconsistencies related to the Station's silence in 2022, provide documents such as station logs, EAS logs, utility bills and dated photographs to support its assertion that the Station was on the air for most of 2023, state the location from which and parameters with which the Translator had been operating and provide documents to support its claims, and explain Shanks' involvement in the operation and programming of the Station and the Translator and provide any agreements between SMI and Shanks.

8. In its response to the Second LOI (Second LOI Response), SMI submitted two new declarations made by the Managing Members of SMI and Shanks.<sup>26</sup> The declarants clarified the exact dates on which the Station was silent in 2022, and offered some information about Shanks' involvement with the Station and the Translator.<sup>27</sup> They did not specify the location from which—or technical parameters with which—the Translator had been operating. The Second LOI Response did not include any documents.

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<sup>17</sup> SMI actually made two separate submissions in response to the First LOI. Letter from Cary S. Tepper, counsel for Southern Media Interactive LLC, to Marlene S. Dortch, Secretary, FCC (dated Sept. 18, 2023); Letter from Tammy Minshew, Southern Media Interactive LLC, to Marlene S. Dortch, Secretary, FCC (dated Oct. 23, 2023). We refer to them collectively as the First LOI Response.

<sup>18</sup> First LOI Response at Decl. of William J. Dorminy (Dorminy Decl.), Decl. of Bill Shanks (Shanks Decl), Technical Statement of Alan Alsobrook (Alsobrook Statement).

<sup>19</sup> First LOI Response at Dorminy Decl., para. 5, Shanks Decl., para. 7, Alsobrook Statement, para. 4.

<sup>20</sup> *Id.* at Dorminy Decl., para. 5, Shanks Decl., para. 6.

<sup>21</sup> *Id.* at Dorminy Decl., para. 5, Shanks Decl., para. 7.

<sup>22</sup> *Id.* at Dorminy Decl., para. 6, Shanks Decl., para. 8.

<sup>23</sup> The utility bills list service addresses at 7515 Blythe Island Hwy, Tower, and 436 Mall Blvd, Unit D18.

<sup>24</sup> First LOI Response at Shanks Decl., para. 9.

<sup>25</sup> Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, to Southern Media Interactive LLC (dated Jan. 23, 2024).

<sup>26</sup> Letter from Cary S. Tepper, counsel, Southern Media Interactive LLC (dated Feb. 23, 2024) (Second LOI Response).

<sup>27</sup> *Id.* at Decl. of William J. Dorminy; Decl. of Bill Shanks.

### III. DISCUSSION

9. *Automatic Termination of Translator License.* We find that the Translator's license automatically terminated pursuant to section 312(g) of the Act.<sup>28</sup> The evidence before us demonstrates that the Translator has been operating from an unauthorized location for more than a year. The tower specified in the Translator's license was dismantled on January 4, 2023.<sup>29</sup> On April 5, 2023, an EB Field Agent found the Translator operating from a tower about 3 miles north of the Translator's licensed transmitter site. SMI had not and has not sought authorization to operate the Translator from this site. Because it has been more than a year since the Translator could possibly have operated from its licensed transmitter site and our records do not indicate that the Translator has been off the air, we conclude that the Translator has been operating from an unauthorized location since at least January 4, 2023. Accordingly, we find that the Translator's license automatically terminated on January 4, 2024.<sup>30</sup>

10. We have considered on our own motion whether there are circumstances justifying reinstatement of the Translator's license, but conclude that there are not. Section 312(g) grants the Commission authority to reinstate expired licenses in limited circumstances, including if the Commission finds that such action would "promote equity and fairness."<sup>31</sup> The Commission has exercised that discretion only rarely, such as in natural disasters, or where silence or unauthorized operation resulted from compelling circumstances beyond the licensee's control.<sup>32</sup> The record in this case contains no evidence that the Translator's unauthorized operations were caused by factors beyond SMI's control. Rather, it appears SMI chose to operate the Translator from a location more than 3 miles from its licensed transmitter site, and chose not to seek Commission authorization to do so.

11. *Unauthorized Station Operation.* Section 301 of the Act and section 73.1350(a) of the Rules prohibit the operation of a broadcast station except under, and in accordance with, a Commission-granted authorization.<sup>33</sup> Section 73.1745(a) further prohibits the operation of a broadcast station at a variance from the terms of the Station's authorization.<sup>34</sup> Pursuant to section 73.1635, a licensee may

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<sup>28</sup> 47 U.S.C. § 312(g) (providing that if a broadcast station fails to transmit broadcast signals for any consecutive 12-month period, then the station's license automatically expires at the end of that period, unless the license is extended or reinstated by the Commission as a matter of equity and fairness).

<sup>29</sup> See ASR Registration Search, Registration 1027583, available at <https://wireless2.fcc.gov/UlsApp/AsrSearch/asrRegistration.jsp?regKey=128073> (last visited Feb. 28, 2024).

<sup>30</sup> See *Eagle Broad. Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 592, para. 9, *aff'd sub nom. Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009) (unauthorized, unlicensed broadcasts cannot constitute transmission of broadcast signals to avoid license expiration under section 312(g)); *Absolute Broad., LLC*, Memorandum Opinion and Order, FCC 23-38, at n.69 (rel. May 17, 2023) (unauthorized operation is no better than silence for purposes of section 312(g)); *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 608, para.10 (2008), *recon. dismissed*, *Barry Wood, Esq.*, Letter Order, 24 FCC Rcd 13666 (2019) (transmission from unauthorized location insufficient to avoid consequences of section 312(g)).

<sup>31</sup> 47 U.S.C. § 312(g).

<sup>32</sup> See, e.g., *V.I. Stereo Commc'ns Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006) (reinstatement warranted for station that sustained damage from three hurricanes where original facilities were destroyed and the rebuilt facility also sustained damage). See also *Cnty. Bible Church*, Letter Order, 23 FCC Rcd 15012, 15014 (MB 2008) (reinstatement warranted where licensee took all steps needed to return to air, but remained off air to promote air safety after discovering and reporting that FCC and FAA records contained incorrect tower information); *Sumiton Broad. Co., Inc.*, Letter Order, 22 FCC Rcd 6578, 6580 (MB 2007) (reinstating license where silence was necessary to comply with court order); *Universal Broad. of New York, Inc.*, Memorandum Opinion and Order, 34 FCC Rcd 10319 (MB 2019) (station's inability to file an STA to resume service due to a federal government shutdown was a compelling circumstance under section 312(g)).

<sup>33</sup> 47 U.S.C. § 301; 47 CFR § 73.1350(a).

<sup>34</sup> 47 CFR § 73.1745(a).

request STA to operate for a limited time at a variance from the terms of its authorization.<sup>35</sup> However, the licensee must request STA ten days prior to beginning such operations.

12. SMI's first engineering STA expired on June 13, 2023, while the Station was silent. We recognize that the Station was off the air at that time. However, it appears that SMI returned the Station to the air with the facilities specified in the expired engineering STA prior to requesting the second engineering STA. Accordingly, we find that SMI apparently engaged in unauthorized operation of the Station in violation of section 301 of the Act, and sections 73.1350(a), 73.1635 and 73.1745(a) of the Rules. Below, we propose a forfeiture to address this apparent violation.

13. *Discontinued Station Operations.* We find that, on two occasions, SMI apparently failed to notify the Commission that the Station had discontinued operations. In addition, SMI apparently failed to timely seek STA for the Station to remain silent on the first of these occasions, and apparently failed to seek STA for the Station to remain silent on the second of these occasions. As discussed above, the Station went silent on September 1, 2022, and remained silent until January 1, 2023. SMI should have notified the Commission of the Station's silence on September 10, 2022, and should have sought silent STA by October 1, 2022. SMI did not notify the Commission and did not seek silent STA until October 31, 2022.<sup>36</sup> Likewise, the Station was off the air for an extended period of time in 2023, but SMI did not notify the Commission of the Station's silence or seek silent STA. Accordingly, we propose a forfeiture to address SMI's apparent violations of section 73.1740(a)(4) of the Rules.

14. *Unauthorized Transfer of Control.* We find that there apparently was an unauthorized transfer of control of the Station (and the Translator) in violation of section 310(d) of the Act,<sup>37</sup> and section 73.3540 of the Rules.<sup>38</sup> In determining whether there has been an unauthorized transfer of control, the Commission looks to whether a licensee continues to have ultimate control over the station, including its programming, personnel, and finances.<sup>39</sup> A licensee's surrender of control over any one of these indicia to another entity is sufficient to find that another entity has *de facto* control.<sup>40</sup> Here, the record in this case reflects that Shanks took over management of the Station (and the Translator) on September 1, 2022.<sup>41</sup> Shanks is simulcasting on the Station (and the Translator) essentially the same sports talk radio programming it broadcasts on its stations.<sup>42</sup> SMI appears to have ceded control of the Station's

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<sup>35</sup> *Id.* § 73.1635.

<sup>36</sup> *Id.* § 73.1740(a)(4) (requiring that licensees notify the Commission no later than the 10th day of a station's discontinued operation, and that licensees seek authority from the Commission if a station is off the air for more than 30 days).

<sup>37</sup> 47 U.S.C. § 310(d) ("No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.").

<sup>38</sup> 47 CFR § 73.3540(a) ("Prior consent of the FCC must be obtained for a voluntary assignment or transfer of control.").

<sup>39</sup> See, e.g., *Radio Moultrie, Inc.*, Order to Show Cause and Notice of Opportunity for Hearing, 17 FCC Rcd 24304, 24306 (2002).

<sup>40</sup> See, e.g., *Hicks Broad. of Indiana, LLC*, Hearing Designation Order, 13 FCC Rcd 10662, 10677, para. 50 (1998); *Anabelle Savage, Chapter 7 Tr., Universal Broad., Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 3665, 3670, n. 61 (MB 2010); *Clear Channel Broad. Licenses Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 14078, 14095, para. 38 (MB 2009).

<sup>41</sup> First LOI Response at Shanks Decl., para. 1; Second LOI Response at Shanks Decl., para. 11.

<sup>42</sup> Second LOI Response at Shanks Decl., paras. 11 and 12.

programming to Shanks.<sup>43</sup> Accordingly, we find that an unauthorized transfer of control of the Station (and the Translator) apparently occurred. Below, we propose a forfeiture for this apparent violation of Section 310(d) of the Act and section 73.3540 of the Rules

15. *Failure to Provide Requested Information and Materials.* We find that SMI apparently violated section 73.1015 of the Rules by failing to fully and completely respond to the First and Second LOIs.<sup>44</sup> As discussed above, SMI has failed to provide information regarding the location and facilities with which the Translator has been operating, information that was requested in both the First and Second LOIs. Additionally, SMI did not comply with our request that it submit copies of the agreements between itself and Shanks. Finally, SMI did not submit various documents (*e.g.*, station logs, EAS logs, utility bills for the Station's operation at the engineering STA site) to the Commission. We propose a forfeiture to address these apparent violations of section 73.1015.

#### IV. PROPOSED FORFEITURE

16. Section 503(b) of the Act authorizes the Commission to impose a forfeiture against any entity that "willfully or repeatedly fail[s] to comply with . . . any rule, regulation, or order issued by the Commission . . . ."<sup>45</sup> To determine the appropriate forfeiture amount, we must consider 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.<sup>46</sup> The Commission has established forfeiture guidelines, base penalties for certain violations and has identified criteria that it considers when determining the appropriate penalty in any given case.<sup>47</sup> Under these guidelines, we may adjust a forfeiture downward for violations that are minor, violations that are voluntarily disclosed, where there is a history of compliance, or where there is an inability to pay.<sup>48</sup> We may adjust a forfeiture upward for violations that are egregious, intentional, continuous, and/or repeated, and violations that cause substantial harm or generate substantial economic gain for the violator.<sup>49</sup> We may also adjust a forfeiture upward where there is an ability to pay, or where there is a history of prior violations of FCC requirements.<sup>50</sup>

17. SMI apparently willfully and repeatedly violated section 301 of the Act and sections 73.1350(a), 73.1635 and 73.1745(a) of the Rules by operating the Station at a variance from its authorized parameters for a short period of time prior to filing the second engineering STA request. It also apparently willfully and repeatedly violated section 73.1740(a)(4) on two occasions by discontinuing the Station's operations but failing to provide notice to the Commission and failing to seek (or failing to timely seek) silent authority when the periods of silence exceeded 30 days. SMI also apparently willfully engaged in an unauthorized transfer of control of the Station (and the Translator) without Commission authorization in violation of section 310(d) of the Act, and section 73.3540(a) of the Rules. Finally, SMI

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<sup>43</sup> SMI apparently also ceded control of the Station's finances to Shanks. Second LOI Response at Shanks Decl., paras. 15, 17 (referencing Station "revenue" that Shanks "inherited," and indicating that Shanks "paid \$15,000 for a temporary building" at the Station's engineering STA site).

<sup>44</sup> 47 CFR § 73.1015 (providing that "[t]he Commission or its representatives may, in writing, require from any applicant, permittee, or licensee written statements of fact" related to any matter within the Commission's jurisdiction).

<sup>45</sup> 47 U.S.C. § 503(b).

<sup>46</sup> *Id.* § 503(b)(2)(E); 47 CFR § 1.80(b)(11).

<sup>47</sup> 47 CFR § 1.80(b)(11).

<sup>48</sup> *Id.* at Table 3.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

apparently willfully and repeatedly failed to fully and completely respond to the First and Second LOIs in violation of section 73.1015 of the Rules.

18. Section 1.80(b)(11) of the Rules sets forth base forfeitures of \$10,000 for operation without an instrument of authorization, \$5,000 for unauthorized discontinuance of service, \$ 3,000 for failure to file a required form or information, \$8,000 for unauthorized substantial transfer of control, and \$4,000 for failure to respond to Commission communications.<sup>51</sup> Taking into account that SMI's unauthorized operation of the Station was not comparable to "pirate" radio operations and lasted no more than a month and a half, that SMI did partially respond to the First and Second LOIs, and that SMI has a history of compliance with the Act, and the Commission's rules and policies,<sup>52</sup> we propose a total forfeiture in the amount of sixteen thousand two hundred dollars (\$16,200).

## V. ORDERING CLAUSES

19. Accordingly, **IT IS ORDERED** that the Commission's public and internal databases **SHALL BE MODIFIED** to indicate that the broadcast license for FM translator station W279BC, Brunswick, Georgia (BLFT-20121212ACI) **IS EXPIRED**, that the translator's license **IS CANCELLED** as a matter of law, and that the translator's call sign **IS DELETED**.

20. **IT IS FURTHER 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,<sup>53</sup> that Southern Media Interactive LLC is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of sixteen thousand two hundred dollars (\$16,200) for its apparent willful and repeated violations of sections 301 and 310(d) of the Communications Act of 1934, as amended, and sections 73.1015(a), 73.1350(a), 73.1635, 73.1740(a)(4), 73.1745(a), and 73.3540(a) of the Commission's rules.<sup>54</sup>

21. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules,<sup>55</sup> that, within thirty (30) days of the release date of this *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture*, Southern Media Interactive LLC **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

22. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission's online payment system), or by wire transfer. Payments by check or money order to pay a forfeiture are no longer accepted. Below are instructions that payors should follow based on the form of payment selected:

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to [RROGWireFaxes@fcc.gov](mailto:RROGWireFaxes@fcc.gov) on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN). For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

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<sup>51</sup> *Id.* at Table 1.

<sup>52</sup> See, e.g., *Pirate Media Group, LLC*, Memorandum Opinion and Order and Notice of Apparent Liability, 34 FCC Rcd 12280 (MB 2019).

<sup>53</sup> 47 U.S.C. § 503(b); 47 CFR §§ 0.283, 1.80.

<sup>54</sup> 47 U.S.C. §§ 301, 310(d); 47 CFR §§ 73.1015, 73.1350(a), 73.1635, 73.1740(a)(4), 73.1745(a), 73.1740(a).

<sup>55</sup> 47 CFR § 1.80.

- Payment by credit card must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

23. Any request for making full payment over time under an installment plan should be sent to: Associate Managing Director—Financial Operations, Federal Communications Commission, 45 L Street, N.E., Washington, DC 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201 (option #6), or by e-mail at [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

24. Any written response seeking reduction or cancellation of the proposed forfeiture must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(g)(3) of the Commission’s rules.<sup>56</sup> The written response must be filed with the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington DC 20554, ATTN: Albert Shuldiner, Chief, Audio Division, Media Bureau, and **MUST INCLUDE** the NAL/Acct. No. referenced above. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission. A courtesy copy emailed to [Heather.Dixon@fcc.gov](mailto:Heather.Dixon@fcc.gov) will assist in processing the response.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

25. **IT IS FURTHER ORDERED** that, pursuant to Section 73.3526 of the Commission’s Rules,<sup>57</sup> Southern Media Interactive LLC **SHALL UPLOAD** a copy of this *Memorandum Opinion and*

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<sup>56</sup> *Id.* §§ 1.16, 1.80(g)(3).

<sup>57</sup> *Id.* § 73.3526.



*Order and Notice of Apparent Liability for Forfeiture* to the online public inspection file of WSFN(AM), Brunswick, Georgia.

26. **IT IS FURTHER ORDERED** that copies of this Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture **SHALL BE SENT**, by First Class and Certified Mail, Return Receipt Requested, to Southern Media Interactive LLC, PO Box 876, Fitzgerald, GA 31750, and its counsel, Cary S. Tepper, Esq., 4900 Auburn Avenue, Suite 100, Bethesda, MD 20814.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:**

Southern Media Interactive LLC  
PO Box 876  
Fitzgerald, GA 31750



9590 9402 8449 3156 8127 93

**2. Article Number (Transfer from service label)**

7004 1160 0000 2618

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

*\* Tony Cruz*

- ☐ Agent  
☐ Addressee

**B. Received by (Printed Name)**

*Tony Cruz*

**C. Date of Delivery**

*3/20/24*

**D. Is delivery address different from item 1?**

If YES, enter delivery address below:

- ☐ Yes  
☐ No

**3. Service Type**

- ☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

2158 Restricted Delivery  
(over \$500)

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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.

Cary S. Tepper, Esq.  
4900 Auburn Avenue  
Suite 100  
Bethesda, MD 20814



9590 9402 8449 3156 8127 48

2. Article Number (Transfer from service label)

7004 1160 0000 2618 2165

PS Form 3811, July 2020 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

Cary Tepper

C. Date of Delivery

3/16/24

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

ill Restricted Delivery

Domestic Return Receipt