



Federal Communications Commission
Washington, D.C. 20554

March 26, 2024

In Reply refer to:
1800B3-ATS

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Forsythe Broadcasting, LLC
c/o Antonio Muniz
3310 Westfield Ave.
Camden, NJ 08105
(Sent by electronic mail to: wnjc1360amradio@aol.com)

Re: Forsythe Broadcasting, LLC
WNJC(AM), Washington Township, NJ
Facility ID No. 22058
Application File No. 0000191848

**Operational Status Inquiry – Response
Required**

Dear Licensee:

Before us is the license renewal application (Application) of Station WNJC(AM), Washington Township, New Jersey (Station).¹ Forsythe Broadcasting, LLC (Licensee), filed the Application on May 27, 2022. The Media Bureau (Bureau) staff believes that the Station has not operated at its licensed site since January or February of 2023. Accordingly, the Station may have been silent or operating with unauthorized facilities for a period of over one year, and thus the Station's license may have expired under section 312(g) of the Communications Act of 1934, as amended (Act).² Pursuant to section 73.1015 of the Commission's rules (Rules),³ Licensee is required to clarify this matter in writing within forty-five (45) days of the date of this letter.

Background. The Application was untimely filed and disclosed that the Licensee had failed to comply with the Online Public Inspection Rule.⁴ The Bureau staff has repeatedly attempted to contact Licensee by email and telephone to resolve this matter through a Consent Decree.⁵ However, Licensee has failed to respond to any of the staff's emails, and the telephone number Licensee has provided is not functioning. The Bureau staff has also discovered various internet websites that state that the Licensee

¹ Application File No. 0000191848 (filed May 27, 2022).

² 47 U.S.C. § 312(g).

³ 47 CFR § 73.1015.

⁴ An application for renewal of the Station's license should have been filed by February 1, 2022, the first full business day following the first day of the fourth full calendar month prior to the Station's license expiration date of June 1, 2022. 47 CFR § 73.3539(a). Additionally, section 73.3526 requires radio station licensees to maintain an online public inspection file and to upload certain documents to the Commission's public inspection file database throughout the year. 47 CFR § 73.3526. Licensee has not uploaded any issues and programs lists to its online public inspection file since 2018, and the lists it did upload for 2014, 2015, 2016, and 2017 were all untimely uploaded on March 1, 2018.

⁵ See Email from Alexander T. Sanjenis, Audio Division, FCC Media Bureau, to WNJC (Mar. 20, 2023, 12:07 EDT); Email from Alexander T. Sanjenis, Audio Division, FCC Media Bureau, to WNJC (Apr. 27, 2023, 10:54 EDT); Email from Olivia Hill, Audio Division, FCC Media Bureau, to WNJC (Dec. 18, 2023, 09:34 EST).

lost access to its tower site and is only operating by internet streaming.⁶ Licensee has not filed any requests for Special Temporary Authority to operate at variance from its authorized parameters, or to stay silent.⁷

Based on this information, it appears that the Station may have been silent (or failed to operate with authorized facilities) for more than one year. Pursuant to section 312(g) of the Act, **if a broadcast station fails to transmit broadcast signals with its authorized facilities for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license to promote equity and fairness.**⁸

This letter provides Licensee **45 days** to submit evidence of the Station's operation with authorized facilities during the prior license term, through the present date. If Licensee fails to provide such documented evidence within **45 days** from the date of this letter, the Commission's public and internal databases WILL BE MODIFIED to indicate that the broadcast license for the Station is EXPIRED, that the Station's license is CANCELED as a matter of law, and that the Station's call sign is DELETED.

Information and Materials Requested.

Operational Status. The materials required to establish the operational status of the Station are as follows. **Failure to respond appropriately to this letter constitutes a violation of the Act and Rules.**⁹

⁶ See Wikipedia, *WNJC*, <https://en.wikipedia.org/wiki/WNJC> (last visited Mar. 20, 2024) ("In 2023 the station lost it's [sic] tower lease and is in the process of finding a new location. The station can be still heard online at <http://super1360wnjc.com> broadcasting from the DuxPond Communications office in Dennisville, NJ"); Radio Discussions, *WNJC 1360 signing off in 30 days*, <https://www.radiodiscussions.com/threads/wnjc-1360-signing-off-in-30-days.757841/> (accessed Mar. 20, 2024) ("According to a facebook post from their engineer Duke Hamann 'WNJC will be going dark in about 30 days [from December 23, 2022].'").

⁷ 47 CFR § 73.1745(a) (prohibiting the operation of a broadcast station at variance from the terms of the Station's authorization); 47 CFR § 73.1635 (a licensee must request special temporary authority to operate for a limited time at variance from the terms of its authorization).

⁸ 47 U.S.C. § 312(g) (emphasis added). The Commission has exercised its discretion under section 312(g) to extend or reinstate a station's expired license "to promote equity and fairness" only in limited circumstances where a station's failure to transmit a broadcast signals for 12 consecutive months is due to compelling circumstances that were beyond the licensee's control, such as a natural disaster. See e.g., *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited").

⁹ See 47 U.S.C. § 503(b)(1)(B); see also e.g., *Aura Holdings of Wisconsin, Inc.*, Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 3688, 3696, para. 21 (2018), *aff'd*, Forfeiture Order, 34 FCC Rcd 2540 (2019) (imposing a \$19,693 penalty for failure to respond to letter of inquiry); *ABC Fulfillment Services LLC d/b/a HobbyKing USA LLC and HobbyKing.com, and Indubitably, Inc. d/b/a HobbyKing USA LLC, HobbyKing and HobbyKing.com*, Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 5530 (2018) *aff'd*, Forfeiture Order, 35 FCC Rcd 7441 (2020), *recon. denied*, Memorandum Opinion and Order, 36 FCC Rcd 10688 (2021) (imposing \$39,278 forfeiture for failure to respond to letter of inquiry).

In addition, a failure to respond appropriately to this letter may result in **dismissal of the referenced Application**.¹⁰

First, Licensee must provide a narrative statement that indicates the Station's operational status from the beginning of the license term to the present, including during and after dismantling of the Station's facilities. Licensee must indicate the dates on which the Station was silent, operated with its licensed facilities, or operated with technical parameters other than those specified by its license. For all dates, Licensee must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. Licensee must also indicate any dates on which the Station operated at a variance from its licensed parameters, including specification of the unauthorized location and the technical parameters used.

In addition to the narrative statement, Licensee must submit documentation from the beginning of the license term to the present, of:

1. The Station's operational status, including periods of silence or unauthorized operation.
2. The Station's location, effective radiated power and antenna height above ground level.
3. The Station's leases, personnel records, (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station logs, including EAS logs.
4. Copies of all invoices, bills, including utility bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation.
5. Photographs of the Station's studio facilities and transmission facilities during this timeframe, including the dates applicable to each photograph taken, and exact Station coordinates.

Affidavits or Declarations. In addition to the documentation noted above, Licensee must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of Licensee, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter which is in Licensee possession, custody, control or knowledge has been produced. If multiple persons contribute to the response, in addition to such general affidavit or declaration of the authorized representative of Licensee noted above, any such person (or any other affiant or declarant) that is relying on the personal knowledge of any other individual, rather than his or her own knowledge, must provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Rules,¹¹ and be substantially in the form set forth therein. We remind Licensee that to knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.¹² Moreover, failure to respond appropriately to this letter of inquiry may constitute a violation of the Act and the Rules.

¹⁰ 47 CFR § 73.3568(a) ("... failure to respond to official correspondence or request for additional information, will be cause for dismissal"); *see also LPFM MX Group 37*, Memorandum Opinion and Order, 31 FCC Rcd 7512, 7517, para. 12 (2016) (dismissing application for failure to respond to letter of inquiry).

¹¹ 47 CFR § 1.16.

¹² 47 CFR § 1.17.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower shall be maintained.¹³

All submissions must include a cover letter addressed to Marlene S. Dortch, Secretary, FCC 45 L Street N.E., Washington, DC, 20554, and **sent via email ONLY**, to alexander.sanjenis@fcc.gov and to olivia.hill@fcc.gov.

Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the Station's license and call letters. If you have any questions concerning the content of this letter, please contact Alexander Sanjenis at 202-418-2779, or alexander.sanjenis@fcc.gov.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹³ See 47 CFR §§ 17.6 and 73.1740(a)(4).