

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

In the Matter of)
)
Livingston W. Fulton) FRN: 0014417851
Licensee of WSRA(AM), Albany, Georgia) Fac. ID 37451

ORDER

Adopted: October 28, 2019

Released: October 28, 2019

By the Media Bureau and Office of the Managing Director:

1. By this *Order*, we cancel the *Order to Pay or to Show Cause* issued to Livingston W. Fulton in relation to delinquent regulatory fees owed to the Commission for WSRA(AM), Albany, Georgia (Station).¹ The *Order to Pay or to Show Cause* required Fulton to file with the Bureau documented evidence that full payment of the Station's outstanding regulatory fees had been made, or to show cause why the fees were inapplicable or should be waived or deferred.² Fulton responded to the *Order to Pay or to Show Cause*, alleging that he was not the licensee of the Station, that Agape Life Ministries, Inc. (Agape)—a non-profit corporation organized under the laws of the State of Georgia—was the licensee, and thus, that the regulatory fees at issue were inapplicable. We have verified that Agape has been the Station's licensee since 2004,³ and modified the Commission's records to reflect this. We also have confirmed that Agape is a non-profit corporation organized under the laws of the State of Georgia and has operated as such since 1999. Because non-profit entities are exempt from regulatory fees,⁴ we conclude that Fulton has demonstrated that the delinquent regulatory fees identified in the *Order to Pay or to Show Cause* are inapplicable.

2. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.11, 0.61, 0.231, and 0.283 of the Commission's Rules,⁵ the *Order to Pay or to Show Cause* issued July 9, 2019, **IS HEREBY CANCELLED**. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by first class mail

¹ *Livingston W. Fulton*, Order to Pay or to Show Cause, DA 19-631 (MB July 9, 2019) (*Order to Pay or to Show Cause*).

² The *Order to Pay or to Show Cause* required Fulton to respond within 60 days. *Id.* at para. 5. Fulton's representative responded after this time period, submitting letters to the Commission on September 26, October 2, and October 15, 2019. Letter from E. Morgan Skinner, Jr., Managing Partner, Rockwell Media Svcs., LLC, to Marlene H. Dortch, Secretary, FCC (rec'd Oct. 15, 2019); E-mail from E. Morgan Skinner, Jr., Managing Partner, Rockwell Media Svcs., LLC, to Albert Shuldiner, Chief, Audio Division, FCC Media Bureau (Oct. 2, 2019 12:58 PM); Letter from E. Morgan Skinner, Jr., Managing Partner, Rockwell Media Svcs., LLC, to Marlene H. Dortch, Secretary, FCC (rec'd Oct. 2, 2019); Letter from E. Morgan Skinner, Jr., Managing Partner, Rockwell Media Svcs., LLC, to Marlene H. Dortch, Secretary, FCC (rec'd Sept. 26, 2019). Because the validity of the Station's license is at stake in this proceeding and Fulton alleges the fees are not owed, we find good cause to consider the merits of these late-filed pleadings.

³ See File No. BAL- 20040316ADT; *Broadcast Actions*, Public Notice, Report No. 45799 (MB Aug. 16, 2004) (authorizing assignment of the Station's license from Lifeline Radio Corp. to Agape).

⁴ 47 CFR § 1.1162(c) (specifying that no regulatory fee shall be required for "[a]pplicants and permittees who qualify as nonprofit entities").

⁵ 47 U.S.C. § 159A(c)(4); 47 CFR §§ 0.11, 0.61, 0.231, 0.283, 1.1164(f).

and registered mail, return receipt requested, to Agape Life Ministries, Inc., WSRA Radio Station, 816 7th Avenue, Albany, GA 31701.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

Mark Stephens
Managing Director, Office of the Managing Director

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:

Agape Life Ministries, Inc.
WSRA Radio Station
816 7th Avenue
Albany, GA 31701



9590 9403 0295 5155 4264 56

2. Article Number (Transfer from service label)

7004 1160 0000 2624 4481

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Mr. Fulton

C. Date of Delivery

11/1/19

D. Is delivery address different from item 1? If YES, enter delivery address below:

- ☐ Yes
☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
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