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

In the Matter of:	)	
	)	
Highland Park Broadcasting, LP	)	Facility ID No. 25722
Licensee of Station W33BY	)	NAL/Acct. No.: 201341420009
Detroit, Michigan	)	FRN: 0000014720

MEMORANDUM OPINION AND ORDER

Adopted: November 12, 2013 **Released: November 13, 2013**

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION

1. The Video Division ("Bureau") has before it a petition for reconsideration ("Petition"), filed by Highland Park Broadcasting, LP ("Petitioner"), licensee of Station W33BY ("Station"). Licensee seeks reconsideration of a forfeiture in the amount of Thirteen Thousand Dollars ($13,000) issued by the Video Division for Licensee's failure to place in its public inspection file and file with the Commission electronically the Station's Children's Television Programming Reports in a timely manner.[1] For the reasons set forth below, we deny reconsideration.

II. BACKGROUND

2. On November 21, 2012, the Video Division issued a Notice of Apparent Liability for Forfeiture proposing a monetary forfeiture of $13,000 for the above violations.[2] Licensee filed a timely response on June 24, 2013 admitting that it could not rebut the claimed violations but nonetheless arguing that the forfeiture amount should be reduced because, among other reasons, it could not afford to pay the forfeiture.[3] In the Forfeiture Order, the Video Division rejected these arguments and declined to reduce the forfeiture.[4] Licensee filed a Petition for Reconsideration on August 30, 2013.

III. DISCUSSION

3. A petition for reconsideration that simply reiterates previously rejected arguments will be denied.[5] Arguments in a petition for reconsideration being raised for the first time will be considered only if they are based on changed circumstances or additional facts not known or existing at the time of petitioner's last opportunity to present such matters, or if consideration of such arguments is required to

[1] *Highland Park Broadcasting, LP*, Forfeiture Order, DA 13-1667 (Jul. 31, 2013) ("Forfeiture Order").

[2] *Highland Park Broadcasting, LP*, Notice of Apparent Liability for Forfeiture, DA 12-1885 (Nov. 21, 2012).

[3] The response also argued that the forfeiture amount was excessive. NAL Response at ¶ 4.

[4] Forfeiture Order at 1-4.

[5] *Saga Communications of Illinois, LLC*, Memorandum Opinion and Order, 26 FCC Rcd 5958, 5959 (MB 2011) (rejecting an argument from a petition for reconsideration because it did not raise any new information reflecting changed circumstances, did not present additional facts not know at the time of the last filing, and did not attempt to show anything more than a disagreement with the Commission's finding).

serve the public interest.[6]

4. Petitioner raises four arguments in favor of reconsideration. First, Petitioner argues that he is partially disabled and unable to resume work full-time, thus limiting the ability of the station to generate revenue and pay the forfeiture amount.[7] Illness of a principal, however, does not warrant a cancellation or reduction of the forfeiture amount.[8] Although we are sympathetic to the Licensee's health problems, Licensee was ultimately responsible for ensuring the Station complied with the relevant Commission Rules.[9]

5. Second, Petitioner argues that, because the station home city of Detroit has filed for bankruptcy, the market for advertising sales for the station has been placed in disarray, thus limiting revenue and the ability to pay the forfeiture amount.[10] We dismiss this argument because the Petitioner has provided no specific evidence as to how Detroit's bankruptcy has affected the station's revenue.

6. Third, Petitioner notes that negotiations regarding a planned sale of the station, referred to in the NAL response, have since been terminated.[11] We conclude that this is not a basis for reconsideration because the potential sale was not a factor that the Video Division considered in determining whether the Petitioner would be able to pay the forfeiture amount.

7. Fourth, and finally, Petitioner argues that the amount set for the forfeiture is excessive based on the Petitioner's status as a small business.[12] We dismiss this argument as repetitive of an argument raised in the NAL response.[13]

IV. ORDERING CLAUSES

8. Accordingly, for the reasons discussed above, IT IS ORDERED, that the Petition for Reconsideration filed by Highland Park Broadcasting, LP IS DENIED.

9. IT IS ALSO 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, that Highland Park Broadcasting, LP IS LIABLE FOR A MONETARY FORFEITURE in the amount of thirteen thousand dollars ($13,000) for its apparent willful and repeated violations of Section 73.3526 of the Commission's Rules.

10. IT IS FURTHER ORDERED, pursuant to Section 1.80 of the Commission's Rules, that within 60 days of the release date of this Memorandum Opinion and Order, that Highland Park Broadcasting LP SHALL PAY the full amount of the proposed forfeiture.

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[6] 47 C.F.R. § 1.106(c).

[7] Petition for Reconsideration at ¶ 3. Although the petition does not establish whether the Petitioner's health problems represent a changed circumstance, we will evaluate the argument as if they do.

[8] *Hope Broadcasting, Inc.*, Forfeiture Order, 27 FCC Rcd. 1565, 1566 (Aud. Div. 2012); *Bruce MacAfee*, Forfeiture Order, 24 FCC Rcd 13254, 13255 (MB 2010) ; *see, e.g., Claro Communications, Ltd.*, Forfeiture Order 23 FCC Rcd 359, 361(EB 2008).

[9] *Hope Broadcasting, Inc.*, 27 FCC Rcd. at 1566-67.

[10] Petition for Reconsideration at ¶ 3.

[11] *Id.* at ¶ 4.

[12] *Id.* at ¶ 5.

[13] *See Response to NAL*, Highland Park Broadcasting, LP at ¶ 4 (Jun. 24, 2013.

11. In the event that the Licensee wishes to revert W33BY to low power television status, the Licensee need only notify us of this election and request a change in status for the station.[14] Should the Licensee elect to revert to low power status, the Licensee would no longer be liable for the forfeiture amount described.

12. Payment of the proposed forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank-Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).

13. Requests for full payment of the forfeiture proposed in this *NAL* under the installment plan should be sent to: Associate Managing Director- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.[15]

14. IT IS FURTHER ORDERED that copies of this Memorandum Opinion and Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Highland Park Broadcasting, LP, 160 Victor Street, Highland Park, Michigan, 48203, and to its counsel, Peter Tannenwald, Esquire, Fletcher, Heald & Hildreth, 1300 North 17th Street, 11th Floor, Arlington, Virginia 22209.

15. For further information concerning this proceeding, contact Peter D. Saharko, Video Division, Media Bureau, at Peter.Saharko@fcc.gov or (202) 418-1856.

FEDERAL COMMUNICATIONS COMMISSION



Barbara A. Kreisman
Chief, Video Division
Media Bureau

[14] *See* 47 C.F.R. § 73.6001(d).

[15] *See* 47 C.F.R. § 1.1914.