

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

| | | |
|--|---|------------------------------------|
| In re Applications of |) | NAL/Acct. Nos. MB-201141410019 and |
| |) | MB-201141410020 |
| Salmon River Communications, Inc. |) | FRN: 0020242244 |
| |) | |
| For Renewal of Licenses for |) | |
| Station KSRA(AM) |) | Facility ID No. 71527 |
| Salmon, Idaho |) | File Nos. BR-20101104AAG, |
| |) | BR-20130730AMH |
| and |) | |
| |) | |
| Station KSRA-FM |) | Facility ID No. 71526 |
| Salmon, Idaho |) | File Nos. BR-20101029ADA, |
| |) | BR-20130730AMF |

ORDER

Adopted: June 2, 2014

Released: June 3, 2014

By the Chief, Media Bureau:

1. In this Order, we adopt and incorporate by reference the attached Consent Decree entered into by the Media Bureau (“Bureau”) and Salmon River Communications, Inc. (“Licensee”), licensee of Stations KSRA(AM), Salmon, Idaho, and KSRA-FM, Salmon, Idaho (“Stations”). The Consent Decree resolves issues arising from the Bureau’s review of the captioned applications filed for renewal of the Stations’ licenses in 2010 and 2013 (“2010 Renewal Applications” and “2013 Renewal Applications”, respectively). These issues include whether the Licensee violated Section 73.3539 of the Commission’s Rules (“Rules”),¹ which sets forth the filing deadline for license renewal applications, and Section 301 of the Communications Act of 1934, as amended, (“Act”),² which requires a valid authorization from the Commission to operate a broadcast station.³

2. The Consent Decree stipulates that Licensee violated Section 73.3539 and Section 301

¹ See 47 C.F.R. § 73.3539.

² 47 U.S.C. § 301.

³ The Bureau issued two Notices of Apparent Liability to Licensee for these violations. See *Salmon River Communications, Inc.*, Memorandum Opinion and Notice of Apparent Liability, 26 FCC Rcd 14490 (MB 2011) (Station KSRA(AM)); *Salmon River Communications, Inc.*, Memorandum Opinion and Notice of Apparent Liability, 26 FCC Rcd 14495 (MB 2011) (Station KSRA-FM) (collectively, “NALs”). The Bureau granted the 2010 Renewal Applications on October 21, 2011. Licensee did not file a response to the NALs. The Bureau issued two Forfeiture Orders on July 27, 2013. See *Salmon River Communications, Inc.*, Forfeiture Order, 28 FCC Rcd 9108 (MB 2013) (Station KSRA(AM)); *Salmon River Communications, Inc.*, Forfeiture Order, 28 FCC Rcd 9111 (MB 2013) (Station KSRA-FM) (collectively, “Forfeiture Orders”). Licensee filed a Petition for Reconsideration of the *Forfeiture Orders* on July 29, 2013, arguing that payment of the *Forfeiture Orders* would impose a financial hardship.

and provides, among other things, that Licensee will make a \$4,000 voluntary contribution to the United States Treasury.

3. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating the Bureau's investigation of potential violations of the Rules and the Act in connection with the captioned applications and granting the 2013 Renewal Applications.

4. Based on the record before us, we conclude that nothing in that record creates a substantial or material question of fact whether the Licensee possesses the basic qualifications to remain a Commission licensee and has satisfied the standards in Section 309(k)(1) of the Act for renewal of the Stations' licenses.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,⁴ and by the authority delegated by Sections 0.61 and 0.283 of the Rules,⁵ the Consent Decree attached hereto IS ADOPTED.

6. IT IS FURTHER ORDERED that, that the July 29, 2013, Petition for Petition for Reconsideration filed by Salmon River IS DISMISSED.

7. IT IS FURTHER ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Section 1.80 of the Commission's Rules,⁶ that the *Forfeiture Orders* (NAL/Acct. Nos. MB-201141410019 and MB-2011414100020) issued to Salmon River Communications, Inc., for willfully violating Section 73.3527 of the Commission's Rules, and willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended, ARE HEREBY CANCELLED.

8. IT IS FURTHER ORDERED that the investigation by the Media Bureau of the matters noted above IS TERMINATED.

9. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Salmon River Communications, Inc., 315 Riverfront Drive, Salmon, ID 83467, and to its counsel, David D. Oxenford, Esq., Wilkinson Barker Knauer, LLP, 2300 N Street, N.W., Suite 700, Washington, DC 20037.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

⁴ 47 U.S.C. § 4(i).

⁵ 47 C.F.R. §§ 0.61, 0.283.

⁶ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80.

CONSENT DECREE**I. Introduction**

1. This Consent Decree is entered into by: (a) the Media Bureau of the Federal Communications Commission; and (b) Salmon River Communications, Inc., licensee of Stations KSRA(AM), Salmon, Idaho, and KSRA-FM, Salmon, Idaho.

II. Definitions

2. For the purposes of this Consent Decree, the following definitions shall apply:
 - (a) “2010 Renewal Applications” means the FCC Form 303-S license renewal applications filed by Licensee for the Stations’ license term commencing on October 1, 2005 (File Nos. BR-20101104AAG (Station KSRA(AM)), BRH-20101029ADA (Station KSRA-FM));
 - (b) “2013 Renewal Applications” means the FCC Form 303-S license renewal applications filed by Licensee for the Stations’ license term commencing on October 1, 2013 (File Nos. BR-20130730AMH (Station KSRA(AM)), BRH-20130730AMF (Station KSRA-FM));
 - (c) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. §§151 *et seq.*;
 - (d) “Bureau” means the Media Bureau of the Federal Communications Commission;
 - (e) “Commission” or “FCC” means the Federal Communications Commission;
 - (f) “Effective Date” means the date on which the Bureau releases the Order;
 - (g) “Filing Date Rule” means Section 73.3539 of the Commission’s Rules, 47 C.F.R. § 73.3539;
 - (h) “Final Order” means the status of the Order after the period for administrative and judicial review has lapsed;
 - (i) “*Forfeiture Orders*” means the Forfeiture Orders issued by the Bureau to Licensee on June 27, 2013, for its violations of the Filing Date Rule and Section 301;
 - (j) “Investigation” means the Bureau’s investigation of Licensee’s violations of the Filing Date Rule and Section 301;
 - (k) “Licensee” means Salmon Rivers Communications, Inc., licensee of Stations KSRA(AM), Salmon, Idaho, and KSRA-FM, Salmon, Idaho;
 - (l) “*NALs*” means the two *Notices of Apparent Liability for Forfeiture* issued by the Bureau to Licensee on October 21, 2011, for its apparent violations of the Filing Date Rule and Section 301 at the Stations;
 - (m) “Order” means an order of the Bureau adopting this Consent Decree;

- (n) “Parties” means Licensee and the Bureau;
- (o) “Petition” means the Petition for Reconsideration filed by Licensee on July 29, 2013, requesting a reduction or cancellation of the *Forfeiture Orders*;
- (p) “Rules” means the Commission’s regulations set forth in Title 47 of the Code of Federal Regulations;
- (q) “Section 301” means Section 301 of the Communications Act of 1934, as amended; and
- (r) “Stations” means Stations KSRA(AM), Salmon, Idaho (Facility ID No. 71527), and KSRA-FM, Salmon, Idaho (Facility ID No. 71526), licensed to Salmon River Communications, Inc.

III. Background

3. The Licensee untimely filed the 2010 Renewal Applications for the Stations’ prior license term in violation of the Filing Date Rule.⁷ In addition, the Licensee continued to operate the Stations after their licenses had expired in violation of Section 301.⁸ On October 21, 2011, the Bureau issued the *NALs*, each in the amount of \$13,000, for these violations and granted the 2010 Renewal Applications. The Licenses did not file a response to the *NALs*, and on June 27, 2013, the Bureau issued the *Forfeiture Orders* affirming the proposed forfeitures. On July 29, 2013, the Licensee filed the Petition, seeking a reduction or cancellation of the *Forfeiture Orders* based on financial hardship. On July 30, 2013, the Licensee untimely filed the 2013 Renewal Applications.⁹ Because of the issues identified in the Bureau’s investigation and the untimeliness of the 2013 Renewal Applications, the Parties have agreed to enter into this Consent Decree, to which both the Licensee and the Bureau intend to be legally bound.

IV. Agreement

4. The Parties acknowledge that any proceeding that might result from the Licensee’s violations of the Filing Date Rule and Section 301 of the Act, referred to in Paragraph 3 above, would be time consuming and require substantial expenditure of public and private resources. In order to conserve such resources, to resolve the matter, and to promote Licensee’s future compliance with the Filing Date Rule and Section 301 of the Act, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

5. The Licensee and the Bureau agree to be legally bound by the terms and conditions of this Consent Decree. Both the Licensee and the Bureau each represent and warrant that its signatory is

⁷ The 2010 Renewal Applications were due on or before June 1, 2005.

⁸ The Stations’ licenses expired on October 1, 2005. The Licensee filed requests for Special Temporary Authority (“STA”) to run the Stations on October 5, 2010, and October 6, 2010. *See File Nos.* BLSTA-20101005AAK (KSRA(AM)) and BLSTA-20101006AAN (KSRA-FM). The KSRA(AM) STA was granted on November 22, 2010, and expired on May 22, 2011. The KSRA-FM STA was granted on November 9, 2010, and expired on May 9, 2011. The Licensee did not file a request for extension of either STA.

⁹ The 2013 Renewal Applications were due on or before June 1, 2013.

duly authorized to enter into this Consent Decree on its behalf. The Licensee agrees that the Bureau has jurisdiction over the matters contained in this Consent Decree.

6. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Licensee and the Bureau concerning the Licensee's Violations at the Station, as discussed herein.

7. In express reliance on the covenants and representations in this Consent Decree, the Bureau agrees that it will not use the Violations in any action against the Licensee, provided that the Licensee satisfies all of its obligations under this Consent Decree. In the event that the Licensee fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

8. The Licensee hereby stipulates that it violated the Filing Date Rule by filing the 2010 Renewal Applications after June 1, 2005, and that it violated Section 301 of the Act by continuing the Stations' operations without STA after their licenses had expired, and after the expiration of its STA requests. The Licensee further stipulates that it violated the Filing Date Rule by filing the 2013 Renewal Applications after June 1, 2013.

9. The Licensee hereby agrees to make a voluntary contribution to the United States Treasury in the amount of Four Thousand Dollars (\$4,000) within 15 days of the Effective Date.

10. Payment hereunder must include the Account Number and FRN referenced in the caption to the Order. 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). The Licensee will also send electronic notification on the date payment is made to Tom.Hutton@fcc.gov and Alexander.Sanjenis@fcc.gov.

11. The Bureau will grant the pending 2013 Renewal Applications for the Stations (File Nos. BR-20130730AMH and BRH-20130730AMF) after the Effective Date, provided that the following conditions have been met: 1) the Licensee has fully and timely satisfied its obligation to make the payment of its voluntary contribution referenced in paragraph 9 of this Decree; and 2) there are no issues other than the Violations that would preclude the grant of the 2013 Renewal Applications.

12. The Licensee agrees that it is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent the Licensee fails to satisfy any condition, in the absence of Commission alteration of the condition or Rule, it will be deemed noncompliant and may be subject to possible enforcement action, including, but not limited to, designation of the matter for hearing, letters of admonishment, or forfeitures.

13. The Consent Decree will be binding on the Licensee's successors-in-interest and assigns. The Licensee agrees that any future application to assign or transfer control of the Station will include a statement executed by an authorized representative of the proposed assignee or transferee consenting to assumption of the responsibilities and duties set forth in this Consent Decree with regard to the Station.

Decree and the Order, provided that the Order adopts the Consent Decree without change, addition or modification.


15. The Licensee waives any claims that it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 et seq., relating to the matters discussed in this Consent Decree.

16. If any Party (or the United States on behalf of the FCC) brings a judicial action to enforce the terms of the Order, none of the Parties shall contest the continuing validity of the Consent Decree or the Order. The Licensee and the Bureau further agree that they will waive any statutory right to a trial *de novo* with respect to any matter upon which the Order is based (provided in each case that the Order is limited to adopting the Consent Decree without change, addition, or modification), and that they will consent to a judgment incorporating the terms of this Consent Decree.

17. In the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, this Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

18. This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

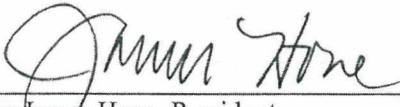
MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION



William T. Lake, Chief

6-2-14
Date

SALMON RIVER BROADCASTING, INC.



By: James Hone, President

5/28/14
Date