

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

In the Matter of)	
)	
ION Media Portland License, Inc.)	Facility ID No. 5801
Licensee of Station KPXG-TV)	NAL/Acct. No.: 201441420006
Salem, Oregon)	FRN: 0001732528

ORDER

Adopted: July 24, 2015

Released: July 24, 2015

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION:

1. The Video Division issued a Notice of Apparent Liability for Forfeiture (“NAL”) to ION Media Portland License, Inc. (the “Licensee”), the licensee of Station KPXG-TV, Salem, Oregon (the “Station”)¹ based on its apparent willful and/or repeated violation of (i) Sections 73.3526(b)(2) and 73.3526(e)(11)(i) of the Commission’s rules (the “Rules”) by failing to upload (i.e., place) in a timely manner TV issues/programs lists into the Station’s on-line Commission hosted website (i.e., a station’s “electronic local public inspection file” or “e-pif”),² and (ii) Section 73.3514(a) of the Rules by failing to report these violations in its license renewal application (FCC Form 303-S). Based upon our review of the Licensee’s Response and the facts and circumstances surrounding it, we hereby rescind the NAL and cancel the proposed forfeiture.

II. BACKGROUND:

2. The NAL proposed a forfeiture of \$9,000 based on the Licensee’s failure to upload in a timely manner TV issue/programs lists to the Station’s e-pif for the entire preceding license term and its failure to report these late filings on its renewal application. In particular, the NAL finds that the Licensee did not upload copies of its TV issues/programs lists to its e-pif for the entire preceding license term until February 13, 2015. This would have meant that some of the TV issues/programs lists were uploaded to the Station’s e-pif by as much as two years late.³

¹ *ION Media Portland License, Inc., Licensee of KPXG-TV, Salem, Oregon, DA 15-558 (rel. May 8, 2015)* (“NAL”)

² In the NAL the Station’s e-pif is also referred to as its “local public inspection file” or “public file.” For purposes of the Order, these terms are all synonymous and have the same meaning.

³ Beginning August 2, 2012, stations were required to post any document that would otherwise be placed in a station’s public file, with limited exception, to their e-pif on a moving forward basis. By February 4, 2013, stations were required to upload to their e-pif those public file, with limited exceptions, documents that were already in their physical public file prior to August 2, 2012. See *Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (2012)(announcing effective date of electronic public file rule); *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, 27 FCC Rcd 15315 (2012) (reminding station’s to upload copies of existing public file documents to their electronic public file); *Television Broadcast Stations Reminded of the Upcoming Public Inspection Filing Deadline*, Public Notice, 28 FCC Rcd 429 (2013)(providing a final remainder to broadcasters to upload copies of existing public file documents to their electronic public file); see also Second Report and Order, 27 FCC Rcd at 4580, para. 97 (establishing compliance periods for complying with broadcasters new electronic public file requirement).

3. The Licensee filed a timely Response on June 8, 2015.⁴ In the Response, the Licensee provided evidence, including a signed declaration under penalty of perjury by an ION employee whose job responsibilities include ensuring that all required Commission filings are made for the Station, and internal company correspondence demonstrating that the Station's TV issues/programs lists were inadvertently deleted following filing of the Station's license renewal application resulting in the TV issues/programs lists to appear to have been filed late. According to the Licensee, on February 12, 2015, upon receiving notification that the license renewal for Station KPXG-LD was granted, Station staff accidentally deleted the TV issues/programs lists for full power Station KPXG-TV. The TV issues/programs lists were immediately restored to the Station's e-pif the following day, on February 13, 2015.

III. DISCUSSION

4. Based on the Response, including the declaration under penalty of perjury by the employee responsible for making Commission filings, as well as the internal correspondence discussing the accidental deletion of the Station's TV issues/programs lists, we find that the proposed forfeiture for failing to upload (i.e., place) in a timely manner TV issues/programs lists into the Station's e-pif should be canceled. Moreover, we find that the forfeiture proposed for the Licensee's failure to report its late filed TV issues/programs lists on its license renewal applications is no longer warranted and should also be cancelled.

IV. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED** that the Notice of Apparent Liability for Forfeiture issued to ION Media Portland License, Inc. is hereby **RESCINDED** and the proposed \$9,000 forfeiture is **CANCELLED**.

6. **IT IS FURTHER ORDERED** that copies of this *NAL* shall be sent, by First Class and Certified Mail, Return Receipt Requested, to ION Media Portland License, Inc. 601 Clearwater Park Road, West Palm Beach, FL 33401-6233, Attention William L. Watson and to its counsel, John R. Feore, Jr., Cooley LLP, 1299 Pennsylvania Avenue, NW, Suite 700, Washington, DC 20004.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁴ Response to Notice of Apparent Liability filed by ION Media Portland License, Inc. (Jun. 8, 2015)("Response").