

Reduction of fine to WTTW for underwriting violations, March 2000

Before the Federal Communications Commission Washington, D.C. 20554
In the Matter of Window to the World Communications, Inc., Licensee of Station
WTTW(TV), Chicago, IL, Facility ID #10802
For a Forfeiture
File No. 97040529

FORFEITURE ORDER

Adopted: March 3, 2000 Released: March 6, 2000

By the Chief, Enforcement Bureau:

1. In this Order, we grant the request of Window to the World Communications, Inc. ("WTTW"), licensee of noncommercial television station WTTW(TV), Chicago, Illinois, for a reduction in the \$5,000 forfeiture proposed in a Notice of Apparent Liability ("NAL") issued for violation of the statutory prohibition against the broadcast of advertisements on noncommercial stations. Specifically, we reduce the proposed amount from \$5,000 to \$2,000 and limit our action to WTTW's admitted violations.
2. In the NAL, the Chief, Mass Media Bureau, determined that WTTW had broadcast announcements promoting for-profit entities in apparent violation of Section 399B of the Communications Act, as amended, and Section 73.621(e) of the Commission's rules. In support of the monetary forfeiture, the NAL cited announcements made on behalf of program sponsors Zenith, Amoco, and Sun America. The NAL also found that the text of an announcement made on behalf of Prudential exceeded the bounds of our rules, but that announcement was not considered in setting the forfeiture amount because it was supplied by PBS, a national program supplier, and was not produced by the station itself.
3. We have reviewed the record in light of the "good faith" and other standards set forth by the Commission in *Xavier University*, 5 FCC Rcd 4920 (1990). We find that the station's broadcast of the Amoco, Sun America and Prudential announcements fell within the bounds of what is permissible under *Xavier*. WTTW has admitted that the Zenith announcements violated the advertising prohibition. In light of the Commission's determination that \$2,000 is the appropriate base forfeiture amount for a violation of the noncommercial underwriting restrictions, and the fact that our action is now limited to the Zenith announcements, we are reducing the forfeiture from \$5,000 to \$2,000.

Conclusion and Ordering Clauses

4. ACCORDINGLY, IT IS ORDERED, that WTTW's request for reduction or rescission filed January 2, 1998 IS GRANTED to the extent that we approve a reduction of the proposed forfeiture amount from \$5,000 to \$2,000.

5. IT IS FURTHER ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.311 and 1.80 of the Commission's rules, Window to the World Communications, Inc., licensee of noncommercial educational television station WTTW (TV), Chicago, Illinois, shall FORFEIT to the United States the sum of Two Thousand Dollars (\$2,000), for willfully and repeatedly violating Section 399B of the Communications Act of 1934, as amended, 47 U.S.C. Sec. 399b, and Section 73.621(e) of the Commission's rules.

6. IT IS FURTHER ORDERED that a copy of this Forfeiture Order shall be sent by Certified Mail -- Return Receipt Requested, to Katherine Lauderdale, Esq., Senior Vice President and General Counsel, Window to the World Communications, Inc., 5400 North St. Louis Avenue, Chicago, Illinois 60625.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon

Chief, Enforcement Bureau