



Federal Communications Commission
Washington, D.C. 20554

June 27, 2007

DA 07-2835

In Reply Refer to:

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Mr. M. John Phillips
M.J. Phillips Communications, Inc.,
Debtor-in-Possession
1224 Main Street
Niagara Falls, NY 14301

Ms. Joann Nicola Lutz DiStefano Phillips
P. O. Box 2196
Niagara Falls, NY 14301

In re: M.J. Phillips Communications, Inc.,
Debtor-in-Possession
WJL(AM), Niagara Falls, NY
Facility ID: 39517
File No. BR-20060201BGX
File No. BR-20060405ACO

Applications for Renewal of License

Dear Mr. and Ms. Phillips:

Before the staff are two different applications for the renewal of license of Station WJL(AM), Niagara Falls, New York (the "Station"). The Station is licensed to M.J. Phillips Communications, Inc., Debtor-in-Possession ("DIP"). The first application (the "DIP Application") was signed by M. John Phillips, President of DIP. The second application (the "Phillips Application") was filed by Joann Nicola Lutz DiStefano Phillips ("Phillips"). For the reasons set forth below, we dismiss the Phillips Application and grant the DIP Application.

Signature Requirement. Section 73.3513(a)(3) of the Commission's Rules (the "Rules") states that an application filed by a corporation, such as the Licensee, "must be signed . . . [by] an officer. . . ."¹ The Phillips Application was signed by "Joann Nicola Lutz DiStefano Phillips," who identifies herself as "Owner" in an FCC Form 323 Ownership Report filed concurrently with her

¹ 47 C.F.R. § 73.3513(a)(3).

WJL(AM) license renewal application.² Phillips, however, is not an owner, officer, director, or board member of DIP.³ Accordingly, we will dismiss the Phillips Application.

License Renewal Application. In evaluating an application for license renewal, the Commission's decision is governed by Section 309(k) of the Communications Act of 1934, as amended (the "Act"). That section provides that if, upon consideration of the application and pleadings, we find that (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.⁴ If, however, the licensee fails to meet that standard, the Commission may deny the application – after notice and opportunity for a hearing under Section 309(e) of the Act – or grant the application “on terms and conditions that are appropriate, including a renewal for a term less than the maximum otherwise permitted.”⁵

We find that the Station has served the public interest, convenience, and necessity during the subject license term. We also find that there have been no serious violations of the Act or of the Rules and that there have been no violations that, taken together, constitute a pattern of abuse.⁶ We will therefore grant the DIP Application.⁷

Conclusion/Actions. Accordingly, IT IS ORDERED, that the application (File No. BR 20060405ACO) of Joann Nicola Lutz DiStefano Phillips for renewal of license for station WJL(AM), Niagara Falls, New York, IS DISMISSED. IT IS FURTHER ORDERED, that the application (File No.

² See File No. BOS-20060405ACN at p.3.

³ See File Nos. BR -20060201BGX, and BOA-20060201BHB; see also New York Secretary of State website: http://appsext5.dos.state.ny.us/corp_public/CORPSEARCH.ENTITY_INFORMATION?p_nameid=1733495&p_coid=1661189&p_entity_name=%6D%2E%6A%2E&p_name_type=%25&p_search_type=%42%45%47%49%4E%53&p_srch_results_page=11, visited October 6, 2006; see also *M.J. Phillips Communications, Inc.*, Memorandum Opinion and Order, 21 FCC Rcd 346 (EB 2006).

⁴ 47 U.S.C. § 309(k)(1). The renewal standard was amended by Section 204(a) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). See *Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, Order, 11 FCC Rcd 6363 (1996).

⁵ 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁶ See *M.J. Phillips Communications, Inc.*, 21 FCC Rcd at 346. Enforcement Bureau (“EB”) found that a forfeiture of \$7,000 was appropriate for Licensee’s violations of Sections 73.1560(a)(1); 11.35(a); 11.52(d); and 17.4(a) of the Rules. We also find that the forfeiture levied by EB was a sufficient sanction for the indicated violations.

⁷ See 47 U.S.C. § 309(k).

BR-20060201BGX) of M.J. Phillips Communications, Inc., Debtor-in-Possession, for renewal of license for station WJLL(AM), Niagara Falls, New York, IS GRANTED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: James R. Cooke, Esq.