

The retransmission of KIRO-TV's signal for 592 days without Cox's consent was a willful and repeated violation of Section 325(b) of the Act and Section 76.64 of the Commission's rules.³ Section 1.80 of the Commission's rules specifies a base forfeiture of seven thousand five hundred dollars (\$7,500) for each violation of the cable broadcast carriage rules.⁴ Moreover, as the Bureau recently stated in *Bailey Cable TV, Inc.*, each day that New Day retransmitted KIRO-TV without consent is a separate violation.⁵ Thus, under Commission rules and precedent, the base forfeiture in this instance would be calculated as follows:

Base Forfeiture Amount	Total Days of Violation	Total Forfeiture Amount
\$7,500	592	\$4,440,000

The nature and gravity of New Day's violations provide ample support for the Commission to impose the total base forfeiture. Moreover, unlike in *Bailey*, New Day has provided no justification in the record to warrant the imposition of a lower forfeiture amount. Thus, the Bureau should impose a forfeiture as set forth above.

Respectfully submitted,

KIRO-TV, Inc.



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³ 47 U.S.C. § 325(b)(1)(A). The statute provides for certain exceptions to this requirement; however, none of the statutory exceptions apply to the present matter. 47 C.F.R. § 76.64(a), (j).

⁴ See 47 C.F.R. § 1.80(b).

⁵ See *Bailey Cable TV, Inc.*, DA 12-421 (rel. Mar. 16, 2012).

CERTIFICATE OF SERVICE

I certify that on this 12th day of April, 2012, I caused the foregoing Reply to be served by email and first-class mail where indicated on the following:

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