

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
WISCONSIN ENERGY CORPORATION
Licensee of Various Authorizations in Wisconsin
and Michigan
Acct. No. 200132080013
File No. EB-00-IH-0127, GS

MEMORANDUM OPINION AND ORDER

Adopted: December 28, 2000

Released: December 29, 2000

By the Chief, Enforcement Bureau:

1. By this Memorandum Opinion and Order we adopt the attached Consent Decree in which Wisconsin Energy Corporation ("WEC") agrees to implement an internal compliance program and to make a voluntary contribution to the United States Treasury. We find, for the reasons discussed below, that the Consent Decree provides for a just and reasonable resolution of the Bureau's investigation into WEC's compliance with Sections 301 and 310(d) of the Communications Act of 1934, as amended, and conclude that adoption of the Consent Decree is in the public interest.

2. WEC is a Milwaukee-based holding company with subsidiaries in utility and non-utility businesses. The company serves more than one million electric and 921,000 natural gas customers in Wisconsin and Michigan's Upper Peninsula through its utility subsidiaries -- Wisconsin Electric Power Company, Wisconsin Gas Company, and Edison Sault Electric Company. In connection with its public utility activities, WEC maintains vital communications systems utilizing licenses issued by the Commission. Its non-utility subsidiaries include energy services and development, pump manufacturing, waste-to-energy and real estate businesses.

3. In March 2000, WEC's counsel informed the Enforcement Bureau's Investigations & Hearings Division that the company had discovered a number of instances in which it acquired control of radio facilities through a succession of mergers and corporate reorganizations without prior Commission consent. Section 310(d) of the Act requires Commission consent prior to assigning or transferring control of a station license. In addition WEC revealed several instances in which it had operated radio facilities without proper authorizations, contrary to Section 301 of the Act.

4. The Bureau has reached an agreement with WEC that will resolve this investigation. The terms and conditions of the agreement are contained in the attached executed Consent Decree. Among other things, the Consent Decree contemplates that WEC will implement a program to ensure its future compliance with the Act and the Commission's rules and policies. In addition, the Consent Decree

1 47 U.S.C. §§ 301 and 310(d).

contemplates that WEC will make a voluntary contribution to the United States Treasury in the amount of \$25,000.00.²

5. We have reviewed the Consent Decree and evaluated the circumstances underlying the investigation. We believe that the public interest would be served by adopting the Consent Decree and terminating the investigatory proceeding.

6. ACCORDINGLY, IT IS ORDERED that, pursuant to delegated authority, the Consent Decree attached hereto IS ADOPTED.

7. IT IS FURTHER ORDERED, that the above-captioned investigatory proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

² Payment may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the Acct. No. referenced above.