

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

In the Matter of)	
)	
Rebus, Inc.)	File No. EB-00-TP-644
)	
Licensee of Station WTAL(AM))	NAL/Acct. No. 200132700003
)	
Tallahassee, Florida)	

FORFEITURE ORDER

Adopted: February 6, 2001

Released: February 8, 2001

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order (“Order”), we issue a monetary forfeiture in the amount of one thousand dollars (\$1,000) against Rebus, Inc. (“Rebus”) for willful violation of Section 11.35(a) of the Commission’s Rules (“Rules”).¹ The violation involved Rebus’s failure to have Emergency Alert System (“EAS”) equipment installed and operational at Station WTAL(AM).

II. BACKGROUND

2. On August 31, 2000, an agent of the Tampa, Florida Field Office (“Tampa Field Office”) inspected Station WTAL(AM) in Tallahassee, Florida. During the inspection, the owner and general manager of the station informed the agent that no EAS equipment had ever been purchased for the station. Consequently, Station WTAL(AM) has not been able to participate in the EAS program.

3. On October 30, 2000, the District Director of the Tampa Field Office issued a Notice of Apparent Liability (“NAL”) to Rebus in the amount of \$8,000, which is the base amount for this violation.² On December 4, 2000, Rebus filed a timely response to the NAL in which it acknowledges that Station WTAL(AM) had no EAS equipment. Rebus proffers that it had not purchased EAS equipment for Station WTAL(AM) for entirely financial reasons. Further, Rebus requests cancellation or reduction of the forfeiture amount because of its financial condition and provides its 1997, 1998, and 1999 tax returns, as well as its financial statements for the first nine months of 2000, in support of its request.

¹ 47 C.F.R. § 11.35(a).

² See 47 C.F.R. § 1.80.

III. DISCUSSION

4. For the years 1997, 1998, 1999, and nine months of 2000, Rebus had gross receipts of \$162,823; \$264,950; \$235,215; and \$144,142, respectively. Though Rebus's gross receipts indicate that it should be able to pay the forfeiture, other factors lead us to believe that reducing the forfeiture amount, in this case, is appropriate. Rebus has suffered a cumulative loss of \$389,524 since its inception. It suffered net losses of \$46,163 in 1997; \$46,831 in 1998; \$11,679 in 1999; and \$19,013 in the first nine months of 2000. The corporation's stockholders have lent it a considerable amount of money. Further, upon receiving the Commission's Notice of Violation for not having the requisite EAS equipment, Rebus had to borrow the equipment because it was unable to purchase it; and this it did within a few days after the inspection. Finally, Rebus has lost the lease for its antenna site and estimates a cost of \$50,000 to relocate. Given Rebus's financial situation, we believe that assessment of the full forfeiture amount would impose a financial hardship. Therefore, we conclude that a reduction of the forfeiture amount to \$1,000 is appropriate.

IV. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED THAT**, pursuant to Section 503(b) of the Communications Act of 1934, as amended ("Act"), and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,³ Rebus, Inc. IS LIABLE FOR A MONETARY FORFEITURE in the amount of one thousand dollars (\$1,000) for violating Section 11.35(a) of the Rules by operating station WTAL(AM) without the required EAS equipment.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules,⁴ within 30 days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁵ Payment may be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200132700003. Requests for full payment under an installment plan should be sent to: Chief, Credit and Debt Management Center, 445 12th Street, S.W., Washington, D.C. 20554.⁶

³ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁴ 47 C.F.R. § 1.80.

⁵ 47 U.S.C. § 504(a).

⁶ See 47 C.F.R. § 1.1914.

7. **IT IS FURTHER ORDERED** that, a copy of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested to counsel for Rebus, Inc., Reddy, Begley & McCormick, Attention: Matthew H. McCormick, 2175 K Street, N.W., Suite 350, Washington, DC 20037.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau