

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

In the Matter of)	
)	
T & W Communications Corporation)	File Number EB-00-OR-145
P.O. Box 1078)	
Columbus, Mississippi 39703)	NAL/Acct. No. 200132620001

FORFEITURE ORDER

Adopted: March 20, 2001

Released: March 22, 2001

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order (“Order”), we issue a monetary forfeiture in the amount of six thousand five hundred dollars (\$6,500) against T & W Communications Corporation (“T & W Communications”), licensee of WACR (AM),¹ Columbus, Mississippi, for willfully violating Sections 17.4(a)(2) and 73.49 of the Commission’s Rules (“Rules”).² The noted violations involve T & W Communications’s failure to register its antenna structure and to enclose its antenna structure with an effective locked fence.

2. On November 9, 2000, the District Director of the Enforcement Bureau’s New Orleans Office issued a Notice of Apparent Liability (“NAL”) for Forfeiture in the amount of six thousand five hundred dollars (\$6,500).³ T & W Communications filed a response on December 11, 2000.

II. BACKGROUND

3. On August 23, 2000, an agent from the New Orleans Office inspected WACR. The agent found that WACR’s antenna structure, which had radio frequency potential at its base, was enclosed by a fence that was not locked. The agent also observed that WACR’s antenna structure did not have an antenna structure registration (“ASR”) number displayed at its base. The agent subsequently learned that WACR’s antenna structure was not registered.

III. DISCUSSION

4. T & W Communications does not contest the violations, and claims to have corrected them. T & W Communications submits U.S. Tax Returns for 1997-1999, along with an

¹ All our references to WACR in this Order are to WACR (AM) and not co-located WACR-FM.

² 47 C.F.R. § § 17.4(a)(2), 73.49.

³ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200132620001 (Enf. Bur., rel. Nov. 9, 2000).

Income Statement and Balance Sheet, current through September of 2000, and asks that we cancel the proposed forfeiture because of its alleged inability to pay. After reviewing T & W Communications's financial documentation, we find that the \$6,500 proposed forfeiture is reasonable given its gross receipts or sales of \$510,816 (1997), \$406,814 (1998), \$511,304 (1999), and \$370,928 (through September of 2000).⁴

IV. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act, as amended,⁵ and Sections 0.111, 0.311, and 1.80(f)(4) of the Rules,⁶ T & W Communications **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$6,500 for violating Sections 17.4(a)(2) and 73.49 of the Rules requiring it to register its antenna structure and to enclose that antenna structure with an effective locked fence.⁷

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules,⁸ 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.⁹ 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 the NAL/Acct. No. 200132620001 referenced above. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.¹⁰

7. **IT IS FURTHER ORDERED** that copies of this Order shall be sent by Certified Mail Return Receipt Requested to Danny Byrd, T & W Communications Corporation, P.O. Box 1078, Columbus, Mississippi 39703.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁴ See *PJB Communications*, 7 FCC Rcd 2088 (1992).

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁷ 47 C.F.R. §§ 17.4(a)(2), 73.49.

⁸ 47 C.F.R. § 1.80.

⁹ 47 U.S.C. § 504(a).

¹⁰ See 47 C.F.R. § 1.1914.