



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 02-1367
Released: June 13, 2002

ENFORCEMENT BUREAU FIELD OPERATIONS LIST OF NOTICES OF APPARENT LIABILITY ISSUED¹

Enforcement Bureau Field Offices Propose 21 Forfeitures in Amounts Totaling \$171,000 in May 2002

The following is a list of Notices of Apparent Liability issued by the Enforcement Bureau's Field Offices during the period May 1, 2002 through May 31, 2002. During this period, the Field Offices issued 21 Notices of Apparent Liability ("NALs") in amounts totaling \$171,000 for violations of the Communications Act of 1934, as amended, 47 U.S.C. § 151, *et seq.*, and/or the FCC's Rules. As detailed below, the NALs involved violations of statutory and/or rule provisions including unauthorized operation and equipment, antenna structure registration, lighting and painting, Emergency Alert System, AM fencing requirements and cable signal leakage.

This list is provided for information purposes only and does not provide parties with additional rights. Parties wishing to make a payment or file a response to a NAL must do so in accordance with the instructions and by the deadline set forth in the NAL.

Communications Act

- 47 U.S.C. § 301 – Unauthorized Operation
 - ◆ **Mr. William Wayne, WNGS721, Lake Havasu City, AZ. \$4,000 NAL.** Other violation: 47 C.F.R. § 1.903 (Authorization Required). San Diego, CA District Office (5/17/02).
 - ◆ **Mount Rushmore Broadcasting, Inc., KAWK(FM), Custer, SD. \$10,000 NAL.** Denver, CO District Office (5/31/02).
 - ◆ **California Speedway, Fontana, CA. \$10,000 NAL.** Los Angeles, CA District Office (5/30/02).
- 47 U.S.C. § 302 - Devices Which Interfere With Radio Reception
 - ◆ **Lightning Electronics, Inc., Miami, FL. \$7,000 NAL.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Tampa, FL District Office (5/21/02).

47 C.F.R. Part 11 – Emergency Alert System Rules

¹ This Public Notice replaces the "Enforcement Bureau Field Operations List of Actions Taken" Public Notice.

- 47 C.F.R. § 11.35 – Equipment Operational Readiness
 - ◆ ***Fenix Broadcasting Corp., Miami, FL. \$21,000 NAL.*** Other violations: 47 C.F.R. §§ 17.51 (Time When Lights Should Be Exhibited) and 73.49 (AM Transmission System Fencing Requirements). Tampa, FL District Office (5/7/02).
 - ◆ ***WRHC Broadcasting, Corp., Miami, FL. \$4,000 NAL.*** Tampa, FL District Office (5/7/02).
 - ◆ ***Alpine Broadcasting, Ltd., KKIT(FM) – Angel Fire, NM and KXMT(FM), Taos, NM. \$16,000 NAL.*** Denver, CO District Office (5/16/02).
 - ◆ ***Oberlin College Student Network, Inc., Station WOBC-FM, Oberlin, OH. \$8,000 NAL.*** Detroit, MI District Office (5/23/02).

- 47 C.F.R. § 11.61 – Tests of EAS Procedures
 - ◆ ***New Wave Broadcasting, L.P., KPOI-FM, Honolulu, HI. \$2,000 NAL.*** Honolulu, HI Resident Agent Office (5/16/02).

47 C.F.R. Part 17 – Construction, Marking & Lighting of Antenna Structures

- 47 C.F.R. § 17.4(a) – Antenna Structure Registration
 - ◆ ***Texas Cable Partners, L.P., Englewood, Colorado. \$3,000 NAL.*** Houston, TX Resident Agent Office (5/21/02).

- 47 C.F.R. § 17.4(g) – Posting of Antenna Structure Registration Number
 - ◆ ***Concilio Mision Cristiana Fuente De Aqua Viva, San Juan, PR. \$15,000 NAL.*** Other violations: 47 C.F.R. §§ 17.51 (Time When Lights Should Be Exhibited) and 17.57 (Report of Radio Transmitting Antenna Construction, Alteration, and/or Removal). San Juan, PR Resident Agent Office (5/14/02).
 - ◆ ***Sprintcom, Inc., Mount Vernon, OH. \$15,000 NAL.*** Other violations: 47 C.F.R. §§ 17.47 (Inspection of Antenna Structure Lights and Associated Control Equipment), 17.48 (Notification of Extinguishment or Improper Functioning of Lights) and 17.51 (Time When Lights Should Be Exhibited). Detroit, MI District Office (5/24/02).

- 47 C.F.R. § 17.47 – Inspection of Antenna Structure Lights and Associated Control Equipment
 - ◆ ***Emmis Television License Corporation, New Orleans, LA. \$5,000 NAL.*** Other violation: 47 C.F.R. § 17.57 (Report and Radio Transmitting Antenna Construction, Alteration, and/or Removal). New Orleans, LA District Office (5/31/02).

- 47 C.F.R. § 17.51 – Time When Lights Should Be Exhibited
 - ◆ ***Mayaguez Radio Corporation, San Juan, PR. \$10,000 NAL.*** San Juan, PR Resident Agent Office (5/29/02).

47 C.F.R. Part 73 – Radio Broadcast Rules

- 47 C.F.R. § 73.49 - AM Transmission System Fencing Requirements
 - ◆ ***Sam Bushman, KNAL(AM) – Delta, UT. \$ 7,000 NAL.*** Denver, CO District Office (5/17/02).

- ◆ ***Commonwealth License Subsidiary, LLC, KLMR(AM), Lamar, CO. \$7,000 NAL.*** Denver, CO District Office (5/30/02).
- 47 C.F.R. § 73.1125 – Station Main Studio Location
 - ◆ ***American Family Association, KBKC, Moberly, MO. \$7,000 NAL.*** Kansas City, MO District Office (5/28/02).
- 47 C.F.R. § 73.1350 – Transmission System Operation
 - ◆ ***Mount Rushmore Broadcasting, Inc., WZMX(FM), Hot Springs, SD. \$3,000 NAL.*** Other violation: 47 C.F.R. § 73.1400 (Transmission System Monitoring and Control). Denver, CO District Office (5/31/02).
- 47 C.F.R. § 73.1560 – Operating Power and Mode Tolerances
 - ◆ ***Tarrant Radio Broadcasting, Inc., Southlake, TX. \$4,000 NAL.*** Dallas, TX District Office (5/24/02).

47 C.F.R. Part 76 – Multichannel Video and Cable Television Service

- 47 C.F.R. § 76.605 – Technical Standards
 - ◆ ***Comcast Cablevision of Nashville, LLC. \$8,000 NAL.*** Other violation: 47 C.F.R. § 76.611 (Cable Television Basic Signal Leakage Performance Criteria). Atlanta, GA District Office (5/30/02).

47 C.F.R. Part 95 – PERSONAL RADIO SERVICES

- 47 C.F.R. § 95.411 – (CB Rule 11) May I Use Power Amplifiers?
 - ◆ ***Mr. Joseph S. McCreary, Pensacola, FL. \$5,000 NAL.*** Tampa, FL District Office (5/7/02).