

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

|                            |   |                            |
|----------------------------|---|----------------------------|
| In the Matter of           | ) | File No.: EB-02-TP-207     |
|                            | ) |                            |
| Fenix Broadcasting Corp.   | ) | NAL/Acct. No. 200232700008 |
| Licensee, Station WWFE(AM) | ) |                            |
| Miami, Florida             | ) | FRN 0006-1648-67           |

**FORFEITURE ORDER**

**Adopted: August 2, 2002**

**Released: August 7, 2002**

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of twenty-one thousand dollars (\$21,000) to Fenix Broadcasting Corp. (“Fenix”), licensee of Station WWFE(AM), Miami, Florida, for willful violation of Sections 11.35(a), 17.51, and 73.49 of the Commission’s Rules (“the Rules”).<sup>1</sup> The noted violations involve Fenix’s failure to have Emergency Alert System equipment operational on March 28, 2002, failure to exhibit tower lights from sunset to sunrise, and failure to enclose antenna towers having radio frequency potential at the base within effective locked enclosures.

2. On May 7, 2002, the District Director of the Commission’s Tampa, Florida Field Office issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”)<sup>2</sup> in the amount of \$21,000 to Fenix. Fenix has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED THAT**, pursuant to Section 503(b) of the Communications Act of 1934, as amended, (“the Act”),<sup>3</sup> and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,<sup>4</sup> Fenix Broadcasting Corp. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$21,000 for willfully violating Sections 11.35(a), 17.51, and 73.49 of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules<sup>5</sup> 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.<sup>6</sup> Payment shall 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. 200232700008, and FRN 0006-

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<sup>1</sup> 47 C.F.R. §§ 11.35(a), 17.51, and 73.49.

<sup>2</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200232700008 (Enf. Bur., Tampa Field Office, released May 7, 2002).

<sup>3</sup> 47 U.S.C. § 503(b).

<sup>4</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

<sup>5</sup> 47 C.F.R. § 1.80.

<sup>6</sup> 47 U.S.C. § 504(a).

1648-67. 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.<sup>7</sup>

5. **IT IS FURTHER ORDERED THAT** this *Order* shall be sent by regular mail and by certified mail, return receipt requested, to Fenix Broadcasting Corp., 330 S.W. 27<sup>th</sup> Avenue #207, Miami, Florida 33135.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau

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<sup>7</sup> See 47 C.F.R. § 1.1914.