



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 02-197

Released: January 28, 2002

ENFORCEMENT BUREAU FIELD OPERATIONS LIST OF ACTIONS TAKEN

The following is a list of actions taken by the Enforcement Bureau's Field Offices during the period December 1, to December 31, 2001. During this period, the Field Offices issued two (2) Notices of Apparent Liability ("NALs"), 43 Notices of Violation ("NOVs") and 21 Citations for violations of the Communications Act of 1934, as amended, 47 U.S.C. § 151, *et seq.*, and/or the FCC's Rules. **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 or to file a response to a NOV or Citation must do so in accordance with the instructions and by the deadline set forth in the NAL, NOV or Citation.**

NOTICES OF APPARENT LIABILITY

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

- 47 C.F.R. § 17.4(a) – Antenna Structure Registration
 - ◆ *Parnassos, L.P., Conneaut, OH.* \$3,000 NAL. Detroit, MI District Office (12/18/01).

47 C.F.R. Part 80 – Stations in the Maritime Services

- 47 C.F.R. § 80.953 – Inspection and Certification
 - ◆ *KYS Inc., Sandusky, OH.* \$2,200 NAL. Detroit, MI District Office (12/31/01).

NOTICES OF VIOLATION

47 C.F.R. Part 1 – Practice and Procedure

- 47 C.F.R. § 1.89 – Failure to Respond to Notice of Violation
 - ◆ *Larry Birch DBA Birches Communications, Mays Landing, NJ.* Other violations: 47 C.F.R. §§ 17.4(a) (Antenna Structure Registration Number) and 17.21 (Painting and Lighting, When Required). Philadelphia, PA District Office (12/21/01).

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

- 47 C.F.R. § 11.15 – EAS Operating Handbook
 - ◆ ***KM Radio of Merced, LLC, Merced, CA (KBKY(FM))***. Other violations: 47 C.F.R. §§ 11.52 (EAS Code and Attention Signal Monitoring Requirements), 73.267 (Determining Operating Power), 73.1125 (Station Main Studio Location), 73.1225 (Station Inspection by FCC), 73.1226 (Availability to FCC of Station Logs and Records), 73.1230 (Posting of Station Licenses) and 73.1870 (Chief Operator). San Francisco, CA District Office (12/17/01).

- 47 C.F.R. § 11.35 – Equipment Operational Readiness
 - ◆ ***King Broadcasting Company, Roswell, NM, KBIM(AM) (Facility ID #34871)***. Other violations: 47 C.F.R. §§ 11.61 (Tests of EAS Procedures), 73.49 (AM Transmission System Fencing Requirements), 73.158 (Directional Antenna Monitoring Points), 73.1400 (Transmission System Monitoring and Control), 73.1560 (Operating Power and Mode Tolerances), 73.1580 (Transmission System Inspections), 73.1820 (Station Log) and 73.1870 (Chief Operator). Denver, CO District Office (12/18/01).
 - ◆ ***King Broadcasting Company, Roswell, NM, KBIM-FM (Facility ID #34854)***. Other violations: 47 C.F.R. §§ 11.61 (Tests of EAS Procedures), 73.1820 (Station Log) and 73.1870 (Chief Operator). Denver, CO District Office (12/28/01).
 - ◆ ***Pilgrim Communications, Inc., Colorado Springs, CO (KWYD(AM), Facility ID #41816)***. Other violations: 47 C.F.R. §§ 11.61 (Tests of EAS Procedures), 73.1125 (Station Main Studio Location), 73.1400 (Transmission System Monitoring and Control), 73.1560 (Operating Power and Mode Tolerances), 73.1590 (Equipment Performance Measurements), 73.1820 (Station Log), 73.1870 (Chief Operator) and 73.3526 (Local Public Inspection File for Commercial Stations). Denver, CO District Office (12/12/01).

- 47 C.F.R. § 11.61 – Tests of EAS Procedures
 - ◆ ***Bay Broadcasting Corp., Annapolis, MD***. Other violation: 47 C.F.R. § 73.1870 (Chief Operator). Columbia, MD District Office (12/4/01).

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

- 47 C.F.R. § 17.4(a) – Antenna Structure Registration
 - ◆ ***BJ Services, Houston, TX***. Other violation: 47 C.F.R. § 17.48 (Notification of Extinguishment or Improper Functioning of Lights). Kansas City, MO District Office (12/6/01).
 - ◆ ***Fred Forte, d.b.a. Forte Corporation, Berlin, NJ***. Other violation: 47 C.F.R. § 17.21 (Painting and Lighting, When Required). Philadelphia, PA District Office (12/6/01).
 - ◆ ***AT&T Wireless Services, Inc., Washington, DC***. Tampa, FL District Office (12/14/01).
 - ◆ ***Lewis Towers, Ormond Beach, FL***. Tampa, FL District Office (12/21/01).
 - ◆ ***Discussion Radio, Inc., WDIS, Norfolk, MA***. Other violations: 47 C.F.R. §§ 17.4(g) (Posting of Antenna Structure Registration Number) and 17.50 (Cleaning and Repainting). Boston, MA District Office (12/28/01).

- 47 C.F.R. § 17.4(g) – Posting of Antenna Structure Registration Numbers

- ◆ ***AT&T Wireless Services, Inc., Washington, DC.*** Tampa, FL District Office (12/3/01).
 - ◆ ***Steel Broadcasting Inc., WMRX-FM, Beaverton, MI.*** Detroit, MI District Office (12/3/01).
 - ◆ ***Far West Radio, Inc., Las Vegas, NV.*** Other violation: 47 C.F.R. § 17.50 (Cleaning and Repainting). Los Angeles, CA District Office (12/4/01).
 - ◆ ***Commonwealth License Subsidiary, LLC, Lamar, CO (KLMR).*** Other violations: 47 C.F.R. §§ 1.1310 (Radiofrequency Radiation Exposure Limits), 17.17 (Existing Structures), 17.49 (Recording of Antenna Structure Light Inspections in the Owner Record), 73.49 (AM Transmission System Fencing Requirements), 73.1820 (Station Log) and 73.1870 (Chief Operator). Denver, CO District Office (12/7/01).
 - ◆ ***Maryland State Highway Administration, Baltimore, MD.*** Columbia, MD District Office (12/12/01).
 - ◆ ***Missouri RSA #4 Partnership/DBA Alltel, Lathrop, MO.*** Other violation: 47 C.F.R. § 17.57 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal). Kansas City, MO District Office (12/13/01).
 - ◆ ***Interlink Communications Partners, LLP, Carrizozo, NM (ASR #1002769).*** Denver, CO District Office (12/18/01).
 - ◆ ***Spectrasite Communications, Inc., Portland, OR (ASR #1230856).*** Portland, OR Resident Agent Office (12/18/01).
 - ◆ ***Southwestern Bell Wireless, LLC, Dallas, TX.*** Kansas City, MO District Office (12/20/01).
 - ◆ ***Utilicorp United, Inc., Kansas City, MO.*** Kansas City, MO District Office (12/20/01).
 - ◆ ***BellSouth Mobility, Dallas, TX.*** Tampa, FL District Office (12/21/01).
 - ◆ ***Pinnacle Towers, Inc., Sarasota, FL.*** Tampa, FL District Office (12/27/01).
- 47 C.F.R. § 17.21 – Painting and Lighting, When Required
 - ◆ ***Brevard Tower Communications, Inc., Melbourne, FL.*** Other violation: 47 C.F.R. § 17.48 (Notification of Extinguishment or Improper Functioning of Lights). Tampa, FL District Office (12/17/01).
- 47 C.F.R. § 17.22 – Particular Specifications to be Used
 - ◆ ***ACS Television, LLC, Eagle River, AK.*** Other violation: 47 C.F.R. § 17.48 (Notification of Extinguishment or Improper Functioning of Lights). Anchorage, AK Resident Agent Office (12/28/01).
- 47 C.F.R. § 17.23 – Specifications for Painting and Lighting of Antenna Structures
 - ◆ ***Scripps Howard Broadcasting Corporation d/b/a Tampa Bay Television, Inc., WFTS-TV, Tampa, FL.*** Tampa, FL District Office (12/3/01).
- 47 C.F.R. § 17.48 – Notification of Extinguishment or Improper Functioning of Lights
 - ◆ ***Cellular Properties, Inc., Paris, IL.*** Chicago, IL District Office (12/6/01).
- 47 C.F.R. § 17.50 – Cleaning and Repainting

- ◆ *Celulares Telefonica, Quebradillas, PR*. San Juan, PR Resident Agent Office (12/3/01).
- ◆ *Indian River Board of County Commissioners, Vero Beach, FL*. Tampa, FL District Office (12/3/01).
- 47 C.F.R. § 17.57 – Report of Radio Transmitting Antenna Construction, Alteration, and/or Removal
 - ◆ *Crown Castle, USA, Boca Raton, FL*. Tampa, FL District Office (12/3/01).
 - ◆ *American Tower Corporation, Riverton, UT (ASR #1037235)*. Denver, CO District Office (12/27/01).

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

- 47 C.F.R. § 73.49 – AM Transmission System Fencing Requirements
 - ◆ *Sam Bushman, Delta, UT (Facility ID #35207)*. Other violation: 47 C.F.R. § 73.189 (Minimum Antenna Heights or Field Strength Measurements). Denver, CO District Office (12/27/01).
- 47 C.F.R. § 73.687 – Transmission System Requirements
 - ◆ *Siete Grande Television, Inc., San Juan, PR*. San Juan, PR Resident Agent Office (12/4/01).
- 47 C.F.R. § 73.1125 – Station Main Studio Location
 - ◆ *Grass Roots Broadcasting, WAMM, Woodstock, VA*. Columbia, MD District Office (12/17/01).
- 47 C.F.R. § 73.1545 – Carrier Frequency Departure Tolerances
 - ◆ *Charles R. Walmer, WTHU, Thurmont, MD*. Other violations: 47 C.F.R. §§ 73.1800 (General Requirements Related to the Station Log), 73.1870 (Chief Operator) and 73.3526 (Local Public Inspection File for Commercial Stations). Columbia, MD District Office (12/31/01).
- 47 C.F.R. § 73.1560 – Operating Power and Mode Tolerances
 - ◆ *Boch Broadcasting, L.P., WTWV, West Yarmouth, MA*. Boston, MA District Office (12/17/01).

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

- 47 C.F.R. § 76.605 – Technical Standards
 - ◆ *Antietam Cable TV, Hagerstown, MD*. Columbia, MD District Office (12/7/01).
 - ◆ *Comcast Cablevision of Michigan, Troy, MI*. Detroit, MI District Office (12/7/01).

47 C.F.R. Part 87 – Aviation Services

- 47 C.F.R. § 87.139 – Emission Limitations
 - ◆ *Black River Area Airport Commission, WRLB2487, Black River Falls, WI.* San Paul, MN Resident Agent Office (12/31/01).

47 C.F.R. Part 90 –Private Land Mobile Radio Services

- 47 C.F.R. § 90.135 – Modification of License
 - ◆ *Hilltop Communications, WPSM229, Rochester, MN.* San Paul, MN Resident Agent Office (12/14/01).
- 47 C.F.R. § 90.403 – General Operating Requirements
 - ◆ *William Quimby, WPKZ505, Ipswich, MA.* Boston, MA District Office (12/21/01).
- 47 C.F.R. § 90.441 – Inspection and Maintenance of Antenna Structure Marking and Associated Control Equipment
 - ◆ *MCI Worldcom Network Services, Inc., Washington, DC.* Kansas City, MO District Office (12/6/01).

47 C.F.R. Part 95 – Personal Radio Services

- 47 C.F.R. § 95.410 – (CB Rule 10) How Much Power May I Use?
 - ◆ *Emerson Owerms, Detroit, MI.* Other violation: 47 C.F.R. § 95.411 ((CB Rule 11) May I Use Power Amplifiers?). Detroit, MI District Office (12/14/01).

CITATIONS

Communications Act

- 47 U.S.C. § 302 – Devices Which Interfere With Radio Reception
 - ◆ *TravelCenters of America, Arvin, CA.* Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Los Angeles, CA District Office (12/3/01).
 - ◆ *TravelCenters of America, Buttonwillow, CA.* Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Los Angeles, CA District Office (12/3/01).
 - ◆ *ABC Phone, Brooklyn, NY.* New York, NY District Office (12/5/01).
 - ◆ *Beeper Street, Chris Bruner, Somerville, NJ.* New York, NY District Office (12/5/01).
 - ◆ *BUCA, Inc., Jersey City, NJ.* New York, NY District Office (12/5/01).
 - ◆ *Cellular Phone and More, Inc., Sergio Ferrera, Paramus, NJ.* New York, NY District Office (12/5/01).

- ◆ **Global Cellular, Damon Peirson, Jersey City, NJ.** New York, NY District Office (12/5/01).
- ◆ **Pilot Travel Center, Brooks, Oregon.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Portland, OR Resident Agent Office (12/5/01).
- ◆ **Source 4 Wireless, John Turan, Somerville, NJ.** New York, NY District Office (12/5/01).
- ◆ **TravelCenters of America, Inc., Alda, NE.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Denver, CO District Office (12/7/01).
- ◆ **TravelCenters of America, Inc., Ogallala, NE.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Denver, CO District Office (12/7/01).
- ◆ **TravelCenters of America, Inc., Commerce City, CO.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Denver, CO District Office (12/7/01).
- ◆ **TravelCenters of America, Inc., Wheatridge, CO.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Denver, CO District Office (12/7/01).
- ◆ **Fully Loaded, Benji Smuk, Brooklyn, NY.** New York, NY District Office (12/11/01).
- ◆ **Wireless Choice, Jay Dewan, Huntington, NY.** New York, NY District Office (12/11/01).
- ◆ **BBC Wireless, Costa Mesa, CA.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Los Angeles, CA District Office (12/17/01).
- ◆ **TravelCenters of America, Las Vegas, NV.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Los Angeles, CA District Office (12/17/01).
- ◆ **Kustom Cellular, Overland Park, KS.** Other violation: 47 C.F.R. § 15.109 (Radiated Emission Limits). Kansas City, MO District Office (12/19/01).
- ◆ **Wireless Dimensions, Overland Park, KS.** Other violation: 47 C.F.R. § 15.109 (Radiated Emission Limits). Kansas City, MO District Office (12/19/01).
- ◆ **EZ Communications, Fullerton, CA.** Other violation: 47 C.F.R. § 2.803 (Marketing of Radio Frequency Devices Prior to Equipment Authorization). Los Angeles, CA District Office (12/27/01).

47 C.F.R. Part 15 – Radio Frequency Devices

- **47 C.F.R. § 15.109 – Radiated Emission Limits**
 - ◆ **World Cinema, Inc., Houston, TX.** Tampa, FL District Office (12/11/01).