

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

In the Matter of

Blountstown Communications, Inc.
Licensee of Radio Stations WYBT (AM) &
WPHK (FM)
Blountstown, Florida

)
)
)
)
)
)
)

File No.: EB-03-TP-192
NAL/Acct. No. 200432700006
FRN 0000040428

FORFEITURE ORDER

Adopted: April 14, 2004

Released: April 16, 2004

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* ("Order"), we issue a monetary forfeiture in the amount of twenty-five thousand dollars (\$25,000) to Blountstown Communications, Inc. ("Blountstown"), licensee of AM radio station WYBT and FM radio station WPHK, Blountstown, Florida, for willful violations of Sections 11.35, 73.49 and 73.3526(c) of the Commission's Rules ("Rules").¹ The noted violations involve Blountstown failing to ensure that the Emergency Alert System equipment was operational, failing to enclose the base of the antenna system within an effective locked fence and failing to make available a complete public file.

2. On December 16, 2003, the District Director of the Commission's Tampa, Florida Field Office ("Tampa Office") issued a *Notice of Apparent Liability for Forfeiture* ("NAL") in the amount of \$25,000 to Blountstown.² Blountstown has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. Finally, we note that it is unclear from the record before us what steps, if any, Blountstown has taken to correct the violations cited in the NAL and to ensure that these violations do not recur in the future. Accordingly, we will require, pursuant to Section 308(b) of the Communications Act of 1934, as amended, ("Act"),³ that Blountstown submit a report to the Enforcement Bureau within 30 days of the release of this order outlining what measures it has taken or will take to correct the violations and ensure that they do not recur. Blountstown's report must be submitted in the form of an affidavit or declaration.⁴

4. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Act,⁵ and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁶ Blountstown Communications, Inc. **IS LIABLE FOR**

¹ 47 C.F.R. §§ 11.35, 73.49, 73.3526(c).

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200432700006 (Enf. Bur., Tampa Office, released December 16, 2003).

³ U.S.C. § 308(b).

⁴ Such affidavit or declaration should comply with Section 1.16 of the Rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein.

⁵ 47 U.S.C. § 503(b).

A MONETARY FORFEITURE in the amount of \$25,000 for willfully violating Sections 11.35, 73.49 and 73.3526(c) of the Rules.

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules 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.⁷ 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. 200432700006 and FRN 0000040428. 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. 20554.⁸

6. **IT IS FURTHER ORDERED** that, pursuant to Section 308(b) of the Act, Blountstown Communications, Inc. must submit the report described in paragraph three no later than thirty (30) days from the date of release of this order to: Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division, 445 12th Street, S.W., Washington, D.C. 20554, Attention: Jacqueline Johnson.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by first class mail and certified mail return receipt requested, to Blountstown Communications, Inc., 20872 N.E. Kelly Avenue, Blountstown, Florida 32424 and to 612 North Jefferson Street, Perry Florida 32347.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

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

⁷ 47 U.S.C. § 504(a).

⁸ See 47 C.F.R. § 1.1914.