

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

In the Matter of)	File No. EB-02-DL-696
)	
Marshall D. Martin)	NAL/Acct. No. 200332500003
Owner of Antenna Supporting Structure 1220001)	FRN 0003-7544-54
)	
Nacogdoches, Texas)	

MEMORANDUM OPINION AND ORDER

Adopted: January 25, 2007

Released: January 29, 2007

By the Assistant Chief, Enforcement Bureau:

I. INTRODUCTION

1. By this *Memorandum Opinion and Order* (“MO&O”), we deny a Petition for Reconsideration,¹ filed on November 16, 2004, by Mr. Marshall D. Martin (“Mr. Martin”), owner of antenna structure number 1220001, Nacogdoches, Texas. Mr. Martin seeks reconsideration of an October 27, 2004, *Forfeiture Order*² in the amount of two thousand five hundred dollars (\$2,500), for willful violation of Section 17.50 of the Commission’s Rules (“Rules”).³ The noted violation concerns Mr. Martin’s failure to clean or repaint an antenna structure as often as necessary to maintain good visibility. For the reasons discussed below, we affirm the monetary forfeiture amount of \$2,500.

II. BACKGROUND

2. On October 23, 2002, an agent from the Commission’s Dallas, Texas Field Office (“Dallas Office”) inspected the referenced antenna structure. At the time of the inspection the agent observed that the paint on the antenna structure was badly faded and peeling, significantly reducing visibility to the extent that during daylight, the tower’s orange and white bands could not be readily distinguished at a distance of approximately one fourth of a mile. In addition, black cabling on the exterior of the antenna structure covered the painted metal tower, further reducing the visibility of the tower. On October 28, 2002, the agent interviewed Mr. Martin, who stated that he was aware that the tower was in need of painting and that he had been in contact with tower painters.

3. On February 19, 2003, the Dallas Office issued a *Notice of Apparent Liability for Forfeiture* (“NAL”)⁴ in the amount of ten thousand dollars (\$10,000), finding that Mr. Martin apparently willfully violated Section 17.50 of the Rules. In a March 21, 2003, response to the NAL (“response”),⁵ Mr. Martin denied willfully violating the rules. Mr. Martin asserted that he had been in contact with

¹ The referenced document was initially entitled, “Appeal of Forfeiture Order.”

² *Marshall D. Martin*, 19 FCC Rcd 20977 (Enf. Bur. 2004).

³ 47 C.F.R. § 17.50.

⁴ *Marshall D. Martin*, NAL/Acct. No. 200332500003 (Enf. Bur., Dallas Office, rel. February 19, 2003).

⁵ The referenced document was initially entitled “Statement Seeking Cancellation of the Proposed Forfeiture,” hereinafter, “Response to the NAL,” (“Response”).

tower painters “in an effort to enhance the tower’s appearance so as to attract additional lessees” and not because he believed the tower violated the rules. Mr. Martin also claimed that he believed that the tower had “good visibility” and had passed a Bureau “paint inspection” prior to its November 21, 2000 registration. Moreover, Mr. Martin explained that he relied upon a March 2002 statement from a maintenance company to the effect that the tower should be repainted in a few years. Mr. Martin asserted that at the time of the inspection “a large portion of the tower ha[d] been sanded in preparation for painting.” Mr. Martin stated that he was preparing to paint the tower but persistent bad weather delayed the project. Mr. Martin also explained that he had no history of rule violations. Moreover, in seeking cancellation of the proposed forfeiture amount, he submitted copies of his 1999, 2000 and 2001 federal income tax returns to establish an inability to pay. In a June 29, 2004 telephone conversation with Bureau staff, Mr. Martin stated that the subject antenna structure was painted in April of 2003.

4. On October 27, 2004, the Bureau released a *Forfeiture Order*. As an initial matter, the Bureau explained that the Commission does not routinely perform pre-registration paint inspections and had not done so in the instant case. The Bureau also asserted that nothing in Mr. Martin’s response warranted overturning the agent’s determination that the tower’s painted bands could not be readily distinguished at approximately one fourth of a mile, and found that Mr. Martin violated Section 17.50 of the Rules.⁶ The Bureau noted that Mr. Martin’s admission that the tower needed painting established that the violation was “willful” as defined by the Commission, and that “even though Mr. Martin may not have intended to violate Section 17.50 of the Rules, he acted willfully by knowing the condition of the tower’s paint and failing to have the tower painted.”⁷ The Bureau further concluded that Mr. Martin’s claim that he contacted tower painters in an effort “to enhance the tower’s appearance so as to attract additional lessees,” and not because he believed the tower violated the rules did not negate a “willful” violation of those rules. Moreover, the Bureau stated that Mr. Martin had not provided sufficient details to warrant consideration of his claim that he made preparations to paint his antenna structure but that unfavorable weather delayed the painting. Specifically, the Bureau noted that it was unclear whether Mr. Martin executed a painting contract after being notified of the violation, or exactly when Mr. Martin had made preparations for painting the tower. The Bureau also found that Mr. Martin had not provided a sufficiently detailed description and dates of the unfavorable weather conditions which delayed the painting. However, after taking into consideration all of the statutory factors described in accordance with Section 503(b) of the Communications Act of 1934, as amended, (“Act”),⁸ Section 1.80 of the Rules,⁹ and *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, (“*Forfeiture Policy Statement*”),¹⁰ the Bureau reduced the proposed forfeiture amount from \$10,000 to eight thousand dollars (\$8,000) on the basis of Mr. Martin’s history of overall compliance. The Bureau also found that Mr. Martin successfully substantiated a financial hardship claim and further reduced the forfeiture amount from \$8,000 to two thousand five hundred dollars (\$2,500).¹¹ On November 16, 2004, Mr. Martin submitted a Petition for Reconsideration

⁶ *Forfeiture Order*, 19 FCC Rcd at 20978 n.9, citing, *Access.1 Communications Corp.-NY*, Forfeiture Order, 18 FCC Rcd 22289, 22291 at n.8 (Enf. Bur. 2003) (“*Access.1*”). In so citing, the Bureau explained that when there is a difference of opinion between an agent and a tower owner concerning the visibility of an antenna structure and compliance with Section 17.50 of the Rules, the Bureau routinely relies on the agent’s observations to determine the tower’s compliance with the Rules.

⁷ *Forfeiture Order*, 19 FCC Rcd at 20979.

⁸ 47 U.S.C. § 503(b).

⁹ 47 C.F.R. § 1.80.

¹⁰ 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

¹¹ *Forfeiture Order*, 19 FCC Rcd at 20979.

of the *Forfeiture Order*, largely reiterating the arguments he made in his response, and reasserting that his financial situation has not changed and that he is unable to pay the forfeiture amount.¹²

III. DISCUSSION

5. The forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act, Section 1.80 of the Rules, and the *Forfeiture Policy Statement*. In examining Mr. Martin's Petition, Section 503(b) of the Act requires that the Commission take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and any other such matters as justice may require.¹³ As a result of our review, we conclude that no further reduction in the forfeiture is warranted.

A. Tower Painting Violation

1. Background.

6. Section 17.50 of the Rules states that antenna structures requiring painting must be cleaned or repainted as often as necessary to maintain good visibility. The Commission has consistently held that there is a significant public safety concern with regard to antenna structures. Thus, the Commission enforces antenna structure registration requirements and painting requirements to maintain the tower's visibility to aircraft.¹⁴

2. Discussion.

7. In his Petition for Reconsideration, Mr. Martin again denies violating Section 17.50 of the Rules. Mr. Martin again claims that at the time of the inspection, a large part of the tower had been sanded in preparation for painting in order to enhance its appearance, and not because Mr. Martin believed that it was in violation of the tower painting standards. As we stated *supra*, Section 17.50 of the Rules requires antenna towers to be maintained to ensure good visibility.¹⁵ As explained in the *Forfeiture Order*, the inspecting agent's observations of the antenna structure were consistent with established procedure and he correctly determined, based on his observations and experience, that the antenna structure paint was clearly and obviously "badly faded and was peeling, significantly reducing visibility of the structure to the extent that, during daylight hours, the bands could not be readily distinguished at approximately one fourth of a mile."¹⁶ The agent also noted that black cabling on the outside of the

¹² Mr. Martin appended the following information to the petition: (1) the wind and weather charts spanning January 1991 through October 2004, with October 2002 to March 2003 highlighted, (2) a copy of the first page of an application for antenna structure registration, "FCC Application for Antenna Structure Registration, FCC Form 854," with "a copy of [his] wife's contemporaneous notes" as follows: "they will make a painting & lighting review before granting reg." and a page from the Commission's website: <http://wireless.fcc.gov/antenna/documentation/paintingLighting.html>, dated November 2, 2004, with the following language highlighted: "... to registration, existing structures must be maintained in accordance with any painting and/or lighting specifications originally assigned to the structure by the FCC."

¹³ 47 U.S.C. § 503(b)(2)(D).

¹⁴ *SpectraSite Communications, Inc.*, Notice of Apparent Liability for Forfeiture, 17 FCC Rcd 7884, 7888 (2002); *AT&T Wireless Services, Inc.*, Forfeiture Order, 17 FCC Rcd 21866, 21871 (2002); *Cumulus Licensing Corp.*, Forfeiture Order, 19 FCC Rcd 24815 (Enf. Bur. 2004), *recon. denied*, 21 FCC Rcd 1032 (Enf. Bur. 2006) ("*Cumulus*"); *Exosphere Broadcasting, LLC*, Forfeiture Order, 19 FCC Rcd 23554 (Enf. Bur. 2004); *North Country Repeaters*, Forfeiture Order, 19 FCC Rcd 22139 (Enf. Bur. 2004).

¹⁵ See *Cumulus*, 21 FCC Rcd at 24817-18 (complicated circumstances that arguably contribute to delaying compliance with tower painting requirements violate Section 17.50 of the Rules).

¹⁶ *Forfeiture Order*, 19 FCC Rcd at 20977.

structure covered the painted metal tower, further reducing its visibility.¹⁷ Thus, Mr. Martin's belief that the tower complied with the subject rules does not overcome the observations of the agent. Accordingly, we affirm our previous finding in the *Forfeiture Order* that Mr. Martin violated the subject rule.

8. Mr. Martin also asserts that he did not "willfully" violate the rules. The issue of whether the violation was "willful" was previously fully and correctly discussed in the *Forfeiture Order*.¹⁸ At that time, we explained that Mr. Martin's admission to the inspecting agent that the tower needed painting, for whatever reason,¹⁹ confirms that the violation was willful.²⁰ Thus, even though Mr. Martin may not have intended to violate Section 17.50 of the Rules, he acted willfully by knowing the condition of the tower's paint and failing to have the tower painted.²¹

9. Mr. Martin next claims that the *Forfeiture Order* failed to consider that he relied upon the advice from other people and sources in determining when to repaint his antenna structure – specifically, the alleged comments of a tower maintenance person,²² an alleged discussion between his wife and Commission staff about a "paint inspection" prior to registration²³ and some lines of text from the FCC website.²⁴ To the extent that Mr. Martin may be attempting to rely upon an agency theory for the notion that any tower painting violation was not his responsibility but was the responsibility of the tower painting company or Commission staff, he is mistaken. We find no agency relationship here, and even if

¹⁷ *Forfeiture Order*, 19 FCC Rcd at 20977.

¹⁸ *Id.* at 20979.

¹⁹ As discussed above, in his Petition for Reconsideration, Mr. Martin claimed that he had contacted the tower painters "in an effort to enhance the tower's appearance so as to attract additional lessees" – not because he believed the tower was in violation.

²⁰ *See* ¶ 3.

²¹ Section 312(f)(1) of the Act, 47 USC § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful,' . . . means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act. . . ." *See Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387 (1991), *recon denied*, 7 FCC Rcd. 3454 (1992); *see also Nan Tan Computer Co.*, Notice of Apparent Liability for Forfeiture, 9 FCC Rcd 3092 (Field Operations Bur. 1994).

²² Mr. Martin claims that "in March 2002, the maintenance company that plumbed and tensioned the tower told me that it should be **probably** painted within a couple of years and I budgeted for that expense in that time frame." Response at 2.

²³ Mr. Martin alleges that it was his understanding, on the basis of hand-written notes his wife took when registering the tower, that someone in the "FCC office" said that they would make a painting and lighting review before granting the registration. *See* Petition, Attachment 4 (wife's printed notes). The *Forfeiture Order* noted that the Commission does not routinely perform pre-registration paint inspections and found that it did not do so in this case. *Forfeiture Order*, 19 FCC Rcd at 20978. Assuming arguendo, even if such an inspection took place and the antenna structure were found to be in compliance with Section 17.50 of the Rules at the time of the 2000 registration, such compliance would not ensure that the tower painting requirements would be met at the time of the 2002 inspection.

²⁴ *See* Attachment 5. [www.http://wireless.fcc.gov/antenna/documentation/paintingLighting.html](http://wireless.fcc.gov/antenna/documentation/paintingLighting.html) (dated Nov. 2, 2004). In context, the language highlighted by Mr. Martin concerns changes to the required painting specifications for existing structures. The highlighted language follows: "Prior to registration, existing structures must be maintained in accordance with any painting and/or lighting specifications originally assigned to the structure by the FCC." What follows are specifics details concerning how the Commission handles existing, unregistered structures, which may include requiring the owner to request that the structure be re-studied by the FAA prior to issuing a Registration. In the instant case, there is no indication an additional FAA test was requested or required.

we did, the tower owner, and not his agent, is held responsible and accountable for a rule violation.²⁵ Mr. Martin also states that he “did not know that the tower’s paint was in violation of standards.”²⁶ A lack of knowledge neither exonerates nor mitigates a rule violation.²⁷ Mr. Martin, as a tower owner, is expected to know and adhere to the rules. The tower painting specifications are found in Section 17.23 of the Rules.²⁸ That rule amplifies the general requirements of Section 17.50 of the Rules. According to Section 17.23 of the Rules, antenna structures “must” conform to the painting requirements referenced in the Federal Aviation Administration’s (“FAA”) Advisory Circular, entitled “Obstruction Marking and Lighting.”²⁹ Thus, the requirements are set forth and the burden is on the tower owner to ensure compliance with those requirements.

10. Mr. Martin alleges that prior to the field inspection he had executed a contract and prepaid a tower painter, who had only been able to sand the tower by the time of the inspection. Mr. Martin argues that the cold, wet and windy weather conditions prevented the contractor from completing the work. Mr. Martin contends that the *Forfeiture Order* ignores his claim that on the day of the inspection, his antenna structure was largely sanded “in preparation for repainting.” We disagree. As noted in the *Forfeiture Order*, Mr. Martin did not provide objective evidence that he initiated the tower painting process prior to the field inspection.³⁰ Although in his Petition for Reconsideration Mr. Martin submitted rainfall and temperature records for the subject time span to support the notion that the weather hindered completion of the tower repainting, these exhibits fail to satisfactorily establish his contention.³¹ Accordingly, to the extent that Mr. Martin seeks to mitigate the violation due to his efforts to repaint the antenna structure prior to inspection, we find that the issue was fully discussed and correctly decided in the *Forfeiture Order*. Specifically, the *Forfeiture Order* noted that it was unclear whether Mr. Martin executed a painting contract after being notified of the violation, or exactly when Mr. Martin made the

²⁵ See *Eure Family Limited Partnership*, Memorandum Opinion and Order, 17 FCC Rcd 21861, 21863-64 (2002) (finding that it is the antenna structure owner’s primary responsibility to comply with tower lighting requirements, and denying its claim that the forfeiture should be cancelled because lessee/contractor did not report outages).

²⁶ Petition for Reconsideration at 3.

²⁷ *Lakewood Broadcasting Service, Inc.*, Memorandum Opinion and Order, 37 FCC 2d 437, 438 (1972) (licensees are expected “to know and conform their conduct to the requirements of our rules”).

²⁸ 47 C.F.R. § 17.23.

²⁹ Mr. Martin’s antenna structure registration requires it to comply with FAA marking guidelines, chapters 1, 3, 4, 13 and 22. The Advisory Circular explains that tower marking:

... is done to warn pilots on a potential collision course with a structure of its presence during daylight hours. . . . The chromaticity and luminance standards of aviation orange and white paint should conform to Federal Standard FED-STD-595. . . . However, all outdoor paints deteriorate with time. While it is not practical to give a maintenance schedule for all climates, surfaces should be repainted whenever the color changes noticeably or its effectiveness is reduced by scaling, oxidation, or chipping. *An orange color tolerance chart is available upon request . . . for determining when repainting is required* (emphasis added).

FAA Paint and Light Advisory Circular, “*FAA Standards for Obstruction Marking and Lighting*,” No. 70/7460-1G at i, 5 (1985).

³⁰ 19 FCC Rcd at 20979.

³¹ Mr. Martin proffers rainfall and temperature records that he obtained from a Nacogdoches, Texas, website. www.faculty.sfasu.edu. Mr. Martin highlighted the months from October of 2002 (the month of the inspection) to February of 2003. The highlighting merely points out that on a going-forward basis from October of 2002 to February of 2003, the temperatures were generally lower, and rainfall generally heavier, than at other times of the year. This information is insufficient to determine when or whether tower painting was precluded immediately after the inspection.

preparations for painting.³² Mr. Martin submitted no objective evidence that he entered into an agreement to paint the tower (such as a signed contract) prior to the October 23, 2002, inspection and provided no additional information in the Petition for Reconsideration to change or alter that decision. Mr. Martin also explains that after the inspection “the tower was painted at the first opportunity during the inclement and/or unsafe weather period.” To the extent that Mr. Martin seeks to mitigate the violation by stating that the tower was repainted as soon as possible after the inspection, the Commission has repeatedly stated that remedial actions taken to correct a violation are not mitigating factors warranting reduction of a forfeiture.³³

B. Inability to Pay

1. Background.

11. In assessing forfeiture amounts, Section 503(b)(2)(D) of the Act and Section 1.80(b)(4) of the Rules require that the Commission take into account, among other things, ability to pay claims. Section 503(b)(2)(D) of the Act and Section 1.80(b)(4) of the Rules provide mitigating factors that may result in reducing or canceling a forfeiture amount.³⁴ Among these factors is an inability to pay claim. A successful claim requires specific supporting financial documentation, as described in paragraph 11 of the *NAL*. Generally, the Commission relies upon gross revenues or receipts as the best indicator of the violators’ ability.³⁵

2. Discussion

12. Mr. Martin again asserts an inability to pay the forfeiture amount, but adds nothing to his previously rejected showing that would permit us to approve his request.³⁶ He merely restates that “due to a bankruptcy, I am unable to borrow any money and my current cash flow will not permit me to pay a \$2,500 forfeiture. . . .” However, Mr. Martin fails to demonstrate that there is any pending bankruptcy proceeding, and the last case was discharged in 1997.³⁷ Accordingly, we concur with the findings of the

³² *Forfeiture Order*, 19 FCC Rcd at 20979.

³³ See *AT&T Wireless*, 17 FCC Rcd at 21870 (remedial action to correct tower painting violation was not a mitigating factor warranting reduction of forfeiture); *Seawest Yacht Brokers*, Forfeiture Order, 9 FCC Rcd 6099, 6099 (1994); (corrective action taken to comply with the Rules is expected, and does not mitigate any prior forfeitures or violations); *TCI Cablevision of Maryland*, Memorandum Opinion and Order, 7 FCC Rcd 6013, 6014 (1992) (basing mitigation of a forfeiture upon corrective action taken subsequent to the misconduct upon which liability is based would tend to encourage remedial rather than preventive action) citing *International Broadcast Corp.*, Memorandum Opinion and Order, 19 FCC 2d 793, 794 (1969); *Station KGVL, Inc.*, Memorandum Opinion and Order, 42 FCC 2d 258, 259 (1973) (licensees not excused for past violations by reason of subsequent corrective action); *c.f. A-O Broadcasting Corporation*, Memorandum Opinion and Order, 20 FCC Rcd 756, 761 (2005) (“*A-O Broadcasting*”) (because licensee showed good faith by obtaining EAS equipment and starting constructing a main studio before the inspection, the forfeiture was reduced); *Radio One Licenses, Inc.*, Memorandum Opinion and Order, 18 FCC Rcd 15964, 15965 (2003), *recon. denied*, 18 FCC Rcd 25481 (2003) (reducing a forfeiture from \$9,200 to \$8,000 for EAS violations because the licensee had identified the problems and had ordered replacement equipment prior to the Field Office’s on-site inspection).

³⁴ *Adjustment Criteria*, 47 C.F.R. § 1.80(b)(4).

³⁵ See *PJB Communications of Virginia, Inc.*, 7 FCC Rcd 2088, 2089 (1992) (“*PJB Communications*”); see also *Forfeiture Policy Statement*, 12 FCC Rcd at 17106-07.

³⁶ *Forfeiture Order*, 19 FCC Rcd at 20979.

³⁷ *In re: Martin*, Case No. 95-17095-RA, Order Closing Case After Discharge (Bankr. C.D.Ca., September 29, 1997); see *Adelphi Communications*, Forfeiture order, 18 FCC Rcd 7652, 7654 ¶ 8 (Enf. Bur. 2003) (finding that a Chapter 11 bankruptcy filing -- alone, without financial documentation -- does not support an inability to pay claim and thus does not provide a basis to adjust or cancel an assessed forfeiture); see also *North American Broadcasting*

(continued....)

underlying *Forfeiture Order*, and find that no further reduction of the forfeiture amount is warranted on the basis of an inability to pay claim.

IV. ORDERING CLAUSES

13. Accordingly, **IT IS ORDERED** that, pursuant to Section 405 of the Act³⁸ and Section 1.106³⁹ of the Rules, the Petition for Reconsideration filed by Mr. Marshall D. Martin of the Enforcement Bureau's *Forfeiture Order* for the NAL/Acct. referenced above **IS DENIED**.

14. **IT IS FURTHER ORDERED** that, pursuant to Section 503(b)(2)(D) of the Act⁴⁰ and Section 1.80(b)(4) of the Rules, Mr. Marshall D. Martin **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$2,500 for willfully violating Section 17.50 of the Rules.

15. 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.⁴¹ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for payment of the full amount of the NAL under an installment plan should be sent to: Associate Managing Director – Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.⁴²

IT IS FURTHER ORDERED that a copy of this *Order* shall be sent by first class and certified mail, return receipt requested, to Marshall D. Martin, P.O. Box 532, Etoile, Texas 75944.

FEDERAL COMMUNICATIONS COMMISSION

George R. Dillon
Assistant Chief, Enforcement Bureau

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Co., Inc., Memorandum Opinion and Order, 19 FCC Rcd 2769, 2770-71 ¶ 6 (Enf. Bur. 2004); *Pinnacle Towers, Inc.*, Forfeiture Order, 18 FCC Rcd 16365, 16366-67 ¶ 7 (Enf. Bur. 2003); *Friendship Cable of Texas, Inc.*, Forfeiture Order, 17 FCC Rcd 8571, 8572-73 ¶ 9 (Enf. Bur. 2002).

³⁸ 47 U.S.C. § 405.

³⁹ 47 C.F.R. § 1.106.

⁴⁰ 47 C.F.R. § 503(b)(2)(D).

⁴¹ 47 U.S.C. § 504(a).

⁴² See 47 C.F.R. § 1.1914.