

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

In the Matter of)	
)	File Number EB-07-TP-187
David Ryder, Receiver)	
)	NAL/Acct. No. 200832700012
Owner of Antenna Structure Numbers 1013175, 1249516, 1249517 and 1249521)	
Melbourne, FL)	FRN 0013835343

ORDER

Adopted: July 8, 2008

Released: July 10, 2008

By the Regional Director, South Central Region, Enforcement Bureau:

I. INTRODUCTION

1. In this *Order*, we cancel the proposed forfeiture in the amount of twelve thousand dollars (\$12,000) issued to David Ryder, Receiver,¹ owner of antenna structure numbers 1013175, 1249516, 1249517 and 1249521, in Melbourne, FL (“Owner”) for the apparent willful violation of Section 17.47(g) of the Commission’s Rules (“Rules”) and the apparent willful and repeated violation of Section 17.50 of the Rules.² The noted violations involved Owner’s apparent failure to post Antenna Structure Registration (“ASR”) numbers and failure to paint his antenna structures to maintain good visibility.

III. DISCUSSION

2. On April 8, 2008, the Commission’s Tampa Office of the Enforcement Bureau (“Tampa Office”) issued a *Notice of Apparent Liability for Forfeiture* to Owner in the amount of twelve thousand dollars (\$12,000), for the apparent willful violation of Section 17.47(g) of the Rules and the apparent willful and repeated violation of Section 17.50 of the Rules.³ Owner filed a response to the *NAL* requesting that the forfeiture be canceled or significantly reduced. Owner argues that the violations truly occurred prior to his ownership of the structures, because he acquired the antenna structures on September 6, 2007, three days before the Commission inspection. Owner states that the receivership relinquished control of the structures to a party unrelated to Twin Towers Broadcasting, Inc. on March 25, 2008, and is currently in the process of assembling and prioritizing creditors’ claims against Twin Towers Broadcasting, Inc. Owner asserts that requiring full payment of the forfeiture would harm innocent creditors. Based on the totality of the circumstances, we cancel the *NAL*.⁴

¹ Mr. Ryder is the court-appointed receiver for property owned by Twin Towers Broadcasting, Inc. Accordingly, David Ryder, Receiver was listed in the Antenna Structure Registration database as the owner of the antenna structures in question.

² 47 C.F.R. §§ 17.4(g) and 17.50.

³ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200832700012 (Enf. Bur., Tampa Office, April 8, 2008) (“*NAL*”).

⁴ See *Dennis Elam, Trustee for Bakcor Broadcasting, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 1137 (1996).

IV. ORDERING CLAUSES

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules, the Notice of Apparent Liability for Forfeiture issued to David Ryder, Receiver for violation of Sections 17.4(g) and 17.50 of the Rules **IS HEREBY CANCELED**.⁵

4. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail Return Receipt Requested to David Ryder, Receiver at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton
Regional Director, South Central Region
Enforcement Bureau

⁵ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).