

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

In the Matter of )
)
BROADCAST TOWERS, INC. )
)
Licensee of FM Translator Stations W237CI, ) Facility ID Nos. 139223, 139053,
Miami Beach, Florida, W237DK, Leisure City, ) 139054, 139051 and 141053
Florida, W258BQ, Homestead, Florida, )
DW224BW, Key Largo, Florida and W296BP, )
Coral Gables, Florida )

ORDER

Adopted: May 24, 2011

Released: May 25, 2011

By the Chief, Media Bureau:

1. In this Order, we adopt and incorporate by reference the attached Consent Decree entered into by the Media Bureau and Broadcast Towers, Inc. ("BTI"), licensee of the above-captioned FM translator stations ("Translators"). The Consent Decree resolves issues arising from the Bureau's investigation into potential violations of the Communications Act of 1934, as amended, ("Act") and the Commission's Rules ("Rules") by BTI in the course of its migration of the Translators from the Florida Keys to the Miami, Florida area.

2. The Consent Decree provides, among other things, that BTI shall cease broadcast operations in the State of Florida. Specifically, BTI consents to the cancellation of the Commission authorizations for the Translators, and the dismissal of all pending applications related to the Translators. In addition, BTI agrees to the dismissal of all applications filed by it, which are related to broadcast stations, other than the Translators, and which propose communities of license located in the State of Florida. Finally, BTI commits to divest itself of W285EH, Key West, Florida (Facility ID No. 139134), within one year after the release date of this Order, and consents to cancellation of the Commission authorization for W285EH and dismissal of all pending applications related to W285EH if such divestiture has not occurred by that date.

3. BTI and its sole proprietor, William R. Lacy ("Lacy"), also make certain commitments related to compliance with the Act and the Rules. Specifically, they commit to ensure that any transmitter site specified in any application to which either BTI or Lacy is a party is available for continuous use and commit to obtain reasonable assurance for the proposed use of any transmitter site specified in any application to which either is a party. In addition, BTI and Lacy pledge to provide "dependable service" on any FM translator station licensed to them - or to any entity in which they hold an attributable interest - and pledge not to discontinue operation except for reasons beyond their control. BTI and Lacy further commit to abide by Section 74.1233(a) of the Rules, which defines "major" changes in the context of the FM translator service.<sup>1</sup> Finally, BTI represents that all FM translators, other than the Translators, for

<sup>1</sup> 47 C.F.R. § 74.1233(a).

which it holds an FCC authorization are in compliance with Section 74.1265(b) of the Rules and pledges that it will ensure compliance with Section 74.1265(b) on a going forward basis.<sup>2</sup>

4. After reviewing the terms of the Consent Decree, we believe that the public interest will be served by its adoption. We also conclude that the matters raised in our investigation do not raise any substantial or material questions of fact regarding BTI's qualifications to remain a Commission licensee.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 4(i) and (j) of the Act,<sup>3</sup> and Sections 0.61 and 0.283 of the Rules,<sup>4</sup> that the Consent Decree attached hereto IS ADOPTED.

6. IT IS FURTHER ORDERED that a copy of this Order shall be sent, by first class mail and certified mail, return receipt requested, to Broadcast Towers, Inc., 6910 N.W. 2<sup>nd</sup> Terrace, Boca Raton, Florida 33487.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake  
Chief, Media Bureau

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<sup>2</sup> 47 C.F.R. § 74.1265(b).

<sup>3</sup> 47 U.S.C. § 4(i) and (j).

<sup>4</sup> 47 C.F.R. §§ 0.61, 0.283.