

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

In the Matter of )
James A. Davis ) File No.: EB-09-HU-0022
Owner of Antenna Structure No.: 1214169 ) NAL/Acct. No.: 201232540003
Hearne, Texas ) FRN: 0021763453

FORFEITURE ORDER

Adopted: July 10, 2012

Released: July 10, 2012

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

1. In this Forfeiture Order (Order), we issue a monetary forfeiture in the amount of thirteen thousand dollars (\$13,000) to James A. Davis, owner of antenna structure number 1214169 (the Antenna Structure), in Hearne, Texas, for willful and repeated violation of Section 303(q) of the Communications Act of 1934, as amended (Act), and Sections 17.48(a), 17.50, 17.51(a), and 17.57 of the Commission's rules (Rules).1 The noted violations involved Mr. Davis's failure to (1) notify immediately the Federal Aviation Administration (FAA) of an antenna structure light outage, (2) clean or repaint his antenna structure as often as necessary to maintain good visibility, (3) exhibit red obstruction lighting from sunset until sunrise, and (4) notify the Commission of a change in ownership of an antenna structure.

2. On May 16, 2012, the Enforcement Bureau's Houston Office (Houston Office) issued a Notice of Apparent Liability for Forfeiture (NAL) in the amount of \$13,000 to Mr. Davis.2 Mr. Davis has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.204, 0.311 and 1.80(f)(4) of the Commission's rules, James A. Davis IS LIABLE FOR A MONETARY FORFEITURE in the amount of \$13,000 for violations of Section 303(q) of the Act and Sections 17.48(a), 17.50, 17.51(a), and 17.57 of the Commission's rules.3

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Forfeiture Order.4 If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.5 James A. Davis shall send electronic notification of payment to SCR-Response@fcc.gov on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed

1 47 U.S.C. § 303(q); 47 C.F.R. §§ 17.48(a), 17.50, 17.51(a), and 17.57.

2 James A. Davis, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 5189 (Enf. Bur. 2012).

3 47 U.S.C. §§ 303(q), 503(b); 47 C.F.R. §§ 0.111, 0.204, 0.311, 0.314, 1.80(f)(4), 17.48(a), 17.50, 17.51(a), and 17.57.

4 47 C.F.R. § 1.80.

5 47 U.S.C. § 504(a).

FCC Form 159 (Remittance Advice) must be submitted.<sup>6</sup> When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

5. Any request for full payment under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.<sup>7</sup> If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

5. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to James A. Davis at his address of record.

#### FEDERAL COMMUNICATIONS COMMISSION

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

<sup>6</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>7</sup> See 47 C.F.R. § 1.1914.