

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

In the Matter of	)	
	)	
<b>KM Radio of Independence, LLC</b>	)	File No.: EB-11-KC-0009
	)	NAL/Acct. No.: 201232560001
Licensee of Stations KQMG and KQMG-FM,	)	FRN: 0010976108
Independence, Iowa;	)	Facility ID Nos.: 42077; 42080
and Owner of Antenna Structure No. 1053693	)	
	)	

**FORFEITURE ORDER**

**Adopted:** May 3, 2012

**Released:** May 3, 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 ten thousand dollars (\$10,000) to KM Radio of Independence, LLC (KM Radio), licensee of Stations KQMG and KQMG-FM, in Independence, Iowa, and owner of antenna structure number 1053693 also located in Independence, Iowa, for willful and repeated violation of Sections 11.35, 17.51, and 73.3526 of the Commission's rules (Rules),<sup>1</sup> and Section 303(q) of the Communications Act of 1934, as amended (Act)<sup>2</sup> and willful violation of Section 73.1560(b) of the Rules.<sup>3</sup> The noted violations involved failing to: maintain operational emergency alert system (EAS) equipment; exhibit required obstruction lighting on the Tower; maintain and make available a complete public inspection file; and operate with authorized transmitter output power.

2. On February 7, 2012, the Enforcement Bureau's Kansas City Office (Kansas City Office) issued a Notice of Apparent Liability for Forfeiture (NAL) in the amount of \$10,000 to KM Radio.<sup>4</sup> KM Radio 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,<sup>5</sup> and Sections 0.111, 0.204, 0.311 and 1.80(f)(4) of the Commission's rules,<sup>6</sup> KM Radio of Independence, LLC **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for violations of Section 303(q) of the Act and Sections 11.35, 17.51, 73.1560(b), and 73.3526 of the Commission's rules.<sup>7</sup>

<sup>1</sup> 47 C.F.R. §§ 11.35, 17.51, 73.1560(b), 73.3526.

<sup>2</sup> 47 U.S.C. § 303(q).

<sup>3</sup> 47 C.F.R. § 73.1560(b).

<sup>4</sup> *KM Radio of Independence, LLC*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 1367 (Enf. Bur. 2012).

<sup>5</sup> 47 U.S.C. § 503(b).

<sup>6</sup> 47 U.S.C. § 303(q); 47 C.F.R. §§ 0.111, 0.204, 0.311, 1.80(f)(4), 11.35, 17.51, 73.1560(b), 73.3526.

<sup>7</sup> 47 U.S.C. § 301.

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 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 enforcement pursuant to Section 504(a) of the Act.<sup>8</sup> 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/Account Number and FRN referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payments by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. FCC Form 159 may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov) with any questions regarding payment procedures. KM Radio of Independence, LLC shall also send electronic notification on the date said payment is made to [SCR-Response@fcc.gov](mailto:SCR-Response@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 KM Radio of Independence, LLC at 3654 West Jarvis Avenue, Skokie, Illinois 60076, and to its counsel, Aaron P. Shainis, Shainis & Peltzman, Chartered, 1850 M Street NW, Suite 240, Washington, D.C. 20036.

#### FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>8</sup> 47 U.S.C. § 504(a).