

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of )
Jupiter Community Radio, Inc. ) File No.: EB-FIELDSCR-17-00025789
) NAL/Acct. No.: 202032020007
) FRN: 0009817149
Licensee of Station WJUP-LP )
Jupiter, Florida ) Facility ID: 133909

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: October 26, 2020

Released: October 26, 2020

By the Regional Director, Region Two, Enforcement Bureau:

I. INTRODUCTION

1. Spectrum licensees must operate within the technical parameters specified on their licenses and set forth in the applicable Federal Communications Commission (FCC or Commission) service rules. Licensees also must make their facilities available for inspection by Commission personnel. Here, Jupiter Community Radio, Inc. (Jupiter), licensee of Low Power FM (LPFM) station WJUP-LP, Jupiter, Florida (Station), has apparently failed to operate the Station in accordance with the terms of its authorization and the applicable LPFM technical rules and to make the Station available for inspection. Jupiter also apparently violated Commission rules by failing to maintain required Emergency Alert System (EAS) equipment, which is necessary to convey critical emergency information to Jupiter’s audience. Accordingly, we propose a \$25,000 forfeiture against Jupiter for its apparent willful violation of section 301 of the Communications Act of 1934, as amended (Act) and sections 11.11, 73.840, 73.845, and 73.878 of the Commission’s rules.<sup>1</sup>

II. BACKGROUND

2. Legal Framework. Section 301 of the Act states that “[n]o person shall use or operate any apparatus for the transmission of energy or communications or signals by radio” within the United States except under and in accordance with the Act and with a license granted by the Commission.<sup>2</sup> Section 73.840 of the Commission’s rules requires each LPFM station to maintain its transmitter power output as near as practicable to, but not more than 105% of, its authorized transmitter power output.<sup>3</sup> Section 73.845 requires each LPFM licensee to maintain and operate its broadcast station in accordance with the terms of its station authorization.<sup>4</sup> Section 73.878(a) requires each LPFM licensee to make its station available for inspection by representatives of the Commission during the station’s business hours, and at any time the station is in operation.<sup>5</sup> Finally, section 11.11(a) of the Commission’s rules specifies the minimum EAS equipment that must be installed at each LPFM station.<sup>6</sup>

<sup>1</sup> 47 U.S.C. § 301, 47 CFR §§ 11.11, 73.840, 73.845, 73.878.

<sup>2</sup> 47 U.S.C. § 301.

<sup>3</sup> 47 CFR § 73.840.

<sup>4</sup> 47 CFR § 73.845; see also 47 CFR § 73.1745(a), which prohibits the operation of a broadcast station at variance from the terms of its authorization.

<sup>5</sup> 47 CFR § 73.878(a); see also 47 U.S.C. § 303(n) (the Commission has “authority to inspect all radio installations associated with stations required to be licensed by any Act . . .”).

<sup>6</sup> 47 CFR § 11.11(a).

3. *Factual Background.* While investigating a complaint concerning another broadcast facility in the vicinity of the Station, agents from the Enforcement Bureau's (Bureau) Miami Field Office (Miami Office) obtained information indicating that Station WJUP-LP may be operating in an unauthorized manner. On February 19, 2020, two agents from the Miami Office monitored the Station's transmissions and, using direction-finding techniques, determined that the Station was transmitting from the roof of a multi-unit residential building at 26° 56' 16.06" North latitude and 80° 04' 16.35" West longitude (Transmitter Site). In addition, the agents observed that Jupiter was operating the Station with a two-bay antenna array.

4. Jupiter holds a license from the Commission to operate the Station at a transmitter site located at 26° 56' 33" North latitude and 80° 04' 18" West longitude (Authorized Site).<sup>7</sup> The Station's license also specifies that it is authorized to operate with a transmitter power output of 45 Watts, an effective radiated power of 20 Watts, and a one-bay Nicom BKG88 antenna.<sup>8</sup> As part of their field work on February 19, 2020, the agents determined that the Authorized Site is approximately 0.33 miles from the Transmitter Site, and that the Station was not using the type of antenna specified in its license. The agents searched the Commission's license databases and confirmed that Jupiter had neither sought the Commission's approval to operate from the Transmitter Site, as opposed to the Authorized Site, nor notified the Commission of its use of a different antenna.<sup>9</sup>

5. On February 26, 2020, an agent from the Miami Office contacted a representative of Jupiter by telephone during the Station's business hours to request an inspection of the Station's transmitter site. In response to the request, Jupiter's representative explained that an inspection would not be possible because Wayne Manning, Jupiter's president,<sup>10</sup> was out of the country with no scheduled return date. The agent inquired whether someone else associated with Jupiter was responsible for the Station's operation in Manning's absence, but the representative stated that Manning was the only person who could respond to the agent's questions about the Station. On March 3, 2020, after two more telephone calls, the agent reached Manning and scheduled an inspection. During that conversation, Manning confirmed that he was the Station's chief operator but that he was unable to remotely modify the settings of the Station's transmitter.

6. On March 6, 2020, two agents from the Miami Office conducted an inspection of the Station's facilities at the Transmitter Site. The agents observed that the transmitter's power meter showed that it was operating with a transmitter power output of 100 Watts and re-confirmed that it was using a two-bay antenna array, rather than the single-bay antenna specified on the Station's license. When asked, Manning, who accompanied the agents during the inspection, admitted that Jupiter replaced its authorized one-bay antenna with the two-bay antenna. Based on the observed two-bay antenna and transmitter power output of 100 Watts, the agents calculated that the Station was operating with an effective radiated power of approximately 177 Watts.

7. During the March 6, 2020 inspection, the agents observed that the Station did not appear to have any EAS equipment. When questioned by the agents, Manning stated that the EAS equipment was installed at the studio located on the premises of the Omega Church International Ministry (Omega

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<sup>7</sup> See Jupiter Community Radio, Inc., Application for a Low Power FM Broadcast Station License, File No. BLL-20150722ACD (filed July 22, 2015, granted July 27, 2015).

<sup>8</sup> *Id.* Transmitter power output represents the power (in Watts) directly measured at the transmitter (either using an external wattmeter or the transmitter's own internal instrumentation). Effective radiated power is a value that represents the power radiated from an antenna and is calculated as the result of (a) antenna input power (i.e., transmitter power output less transmission line loss) and (b) the antenna's gain.

<sup>9</sup> The databases included the Consolidated Database System (CDBS) and the Licensing and Management System (LMS). The Media Bureau is currently transitioning from use of its CDBS database to LMS.

<sup>10</sup> See Jupiter Community Radio, Inc., 2020 Florida Not for Profit Corporation Annual Report (Feb. 7, 2020) (identifying Manning as Jupiter's president) (on file in EB-FIELDSCR-17-00025789).

Church).<sup>11</sup> An agent requested that Manning provide the logs of EAS tests received by the Station for the six months prior to the inspection.

8. On April 9, 2020, the Bureau's Acting Field Director issued a Notice of Violation advising Jupiter that agents observed the Station (a) operating at impermissible power levels;<sup>12</sup> (b) operating at the Transmitter Site instead of the Authorized Site;<sup>13</sup> (c) modifying its transmission system to use a different antenna without properly notifying the Commission;<sup>14</sup> and (d) failing to make the Station available to Commission personnel.<sup>15</sup> The NOV instructed Jupiter to respond to each violation identified in the NOV and to support its response with a declaration made under penalty of perjury, in accordance with section 1.16 of the Commission's rules.<sup>16</sup>

9. On April 24, 2020, the Miami Office agent made a second request for the EAS logs and asked for evidence that Jupiter installed a properly functioning EAS decoder.<sup>17</sup> Manning failed to provide the information requested and instead provided EAS logs associated with WOIB-LP, which is licensed to Omega Church.<sup>18</sup> On May 14, 2020, the agent asked Manning again to provide the EAS information pertaining to the Station but, to date, the agent has not received a response.<sup>19</sup>

10. In response to the NOV, Manning submitted e-mails and letters to advise that he "turned down" the Station's transmitter;<sup>20</sup> that Jupiter replaced the antenna with a new Nicom BKG88 antenna;<sup>21</sup> and that Jupiter has "taken care of the violations."<sup>22</sup> None of Manning's e-mails or letters included a declaration attesting to the accuracy of its responses, as required by the NOV.<sup>23</sup>

### III. DISCUSSION

11. The Commission requires that each LPFM licensee provide service in accordance with the technical parameters specified on the station's license and set forth in the applicable LPFM technical rules in order to ensure that the licensee serves its community and does not cause harmful interference to existing licensees. One way that the Commission validates compliance is with station inspections performed by the Bureau's field agents. When it appears that a licensee fails to meet its responsibilities, it is important for the

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<sup>11</sup> Omega Church is the licensee of station WOIB-LP, Oakland Park, FL (Fac. ID. No. 195212).

<sup>12</sup> Jupiter Community Radio, Inc., Notice of Violation, File No. EB-FIELDSCR-17-00025789 at 1 (EB 2020) (NOV), *citing* 47 CFR § 73.840.

<sup>13</sup> *Id.* at 1-2, *citing* 47 CFR § 73.845.

<sup>14</sup> *Id.* at 2, *citing* 47 CFR § 73.875(c)(1).

<sup>15</sup> *Id.*, *citing* 47 CFR § 73.878(a).

<sup>16</sup> *Id.* at 2-3.

<sup>17</sup> E-mail from Field Agent, Office of the Field Director, FCC Enforcement Bureau, to Wayne J. Manning, President, Jupiter Community Radio, Inc. (Apr. 24, 2020, 14:56 EDT) (on file in EB-FIELDSCR-17-00025789).

<sup>18</sup> E-mail from Wayne J. Manning, President, Jupiter Community Radio, Inc. to Field Agent, Office of the Field Director, FCC Enforcement Bureau (May 2, 2020, 17:14 EDT) (on file in EB-FIELDSCR-17-00025789).

<sup>19</sup> E-mail from Field Agent, Office of the Field Director, FCC Enforcement Bureau, to Wayne J. Manning, President, Jupiter Community Radio, Inc. (May 14, 2020, 16:52 EDT) (on file in EB-FIELDSCR-17-00025789).

<sup>20</sup> E-mail from Wayne J. Manning, President, Jupiter Community Radio, Inc., to Field Agent, Office of the Field Director, FCC Enforcement Bureau (May 2, 2020, 16:42 EDT) (on file in EB-FIELDSCR-17-00025789).

<sup>21</sup> E-mail from Wayne J. Manning, President, Jupiter Community Radio, Inc., to Field Agent, Office of the Field Director, FCC Enforcement Bureau (May 25, 2020, 15:10 EDT) (on file in EB-FIELDSCR-17-00025789). Letter from Wayne J. Manning, President, Jupiter Community Radio, Inc., to Ronald D. Ramage, Acting Field Director, FCC Enforcement Bureau (May 29, 2020) (on file in EB-FIELDSCR-17-00025789).

<sup>22</sup> *Id.*

<sup>23</sup> *See* NOV at 3, *citing* 47 CFR § 1.16.

Bureau to investigate and respond to potential unlawful conduct. In this case, Jupiter failed to operate the Station in accordance with the terms of its authorization and the applicable rules, failed to make the Station available for inspection, and failed to install required EAS equipment, all in apparent willful violation of section 301 of the Act and sections 73.840, 73.845, 73.878(a), and 11.11(a) of the Commission's rules.<sup>24</sup> These types of violations make it difficult for the Commission to manage the radio spectrum, to ensure the accuracy and reliability of the technical data in its licensing databases, to fully investigate violations, and to ensure compliance with the Commission's rules by entities subject to the Commission's oversight. Therefore, we propose a forfeiture against Jupiter in the amount of \$25,000.<sup>25</sup>

**A. Jupiter Apparently Failed to Operate the Station in Accordance with the Station Authorization and the Commission's Rules**

12. The Bureau's agents observed that Jupiter operated the Station at the wrong power level, with the wrong antenna, and from the wrong location.<sup>26</sup> At any time, Jupiter could have cured these violations or could have sought authority from the Commission, such as through an application for special temporary authority or an application to modify the Station's license; yet it did not.

13. We find that Jupiter apparently willfully violated section 301 of the Act, as well as sections 73.840 and 73.845 of the Commission's rules, by operating the Station with both a transmitter power output and an effective radiated power that exceeded the parameters set forth in the Station's license and in the Commission's rules, and by operating the Station with an unauthorized antenna from an unauthorized location. *First*, Jupiter apparently willfully violated section 73.840 of the Commission's rules by operating the Station, as the agents observed, with a transmitter power output that was 222% of the authorized level.<sup>27</sup> *Second*, based on agents' observations that Jupiter operated the Station at an effective radiated power of 177 Watts (instead of the authorized 20 Watts) and with a two-bay antenna instead of the single-bay antenna specified on the Station's license, Jupiter apparently willfully violated section 301 of the Act and section 73.845 of the Commission's rules by exceeding the technical parameters set forth in the Station's license and in the LPFM technical rules.<sup>28</sup> *Third*, Jupiter apparently violated section 301 of the Act, section 73.845 of the Commission's rules, and the terms of its license by

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<sup>24</sup> 47 U.S.C. § 301, 47 CFR §§ 73.840, 73.845, 73.878(a), 11.11(a).

<sup>25</sup> Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

<sup>26</sup> See *supra* paras. 3-4, 6 (detailing the agents' observation).

<sup>27</sup> 47 CFR § 73.840.

<sup>28</sup> 47 U.S.C. § 301, 47 CFR § 73.845. The Station's calculated effective radiated power of approximately 177 Watts exceeds the 100-Watt maximum effective radiated power of LPFM stations authorized by the Commission. See 47 CFR § 73.811(a). The observed two-bay antenna has four times more antenna gain than the authorized single-bay antenna. Therefore, for a given antenna input power, the two-bay antenna produces an effective radiated power that is four times more than the effective radiated power with the single-bay antenna specified on the Station's license. That four-fold increase, together with the Station's observed operation at 222% of its authorized transmitter power output, produces an effective radiated power of 177 Watts, which is approximately 8.88 times the authorized effective radiated power of 20 Watts. This increased effective radiated power results in a much larger signal coverage area, and far exceeds the maximum facilities permitted for LPFM stations set forth in 47 CFR § 73.811(a). When the LPFM service was established in 2000 as a secondary, noncommercial radio service with a community focus, the Commission authorized this class of service as LP100. *Creation of Low Power Radio Service*, MM Docket No. 99-25, Report and Order, 15 FCC Rcd 2205 (2000). Since 2000, the Commission has considered proposals to increase the power of LPFM stations and has declined to authorize LPFM stations with powers exceeding 100 Watts effective radiated power. See *Amendments of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules*, MB Docket Nos. 19-193 and 17-105, Report and Order, 35 FCC Rcd 4115, 4129, para. 36 (2020), *recons. pending*. In addition to apparently operating at variance, Manning's admission that he lacked the capability to remotely control the Station indicated he was unable, during the time he was out of the country, to correct any non-compliant operations within the three-hour period required in 47 CFR § 73.845.

operating the Station not at the Authorized Site, but rather, as Bureau agents observed, from the Transmitter Site, a location that is 0.33 miles distant from the Authorized Site. The Commission has held, and the D.C. Circuit has affirmed, that operating a licensed broadcast station at a location other than the location specified on a station's license constitutes a violation of section 301 of the Act.<sup>29</sup> Thus, Jupiter operated the Station at variance from the technical parameters specified in its license and in the LPFM technical rules without authority, in apparent willful violation of section 301 of the Act and sections 73.840 and 73.845 of the Commission's rules.

**B. Jupiter Apparently Failed to Make the Station Available for Inspection**

14. In the course of the Bureau's investigation, Jupiter failed to make the Station available to the Bureau's agents, thereby impairing a fundamental component of the Commission's regulatory scheme that enables it to fully investigate whether licensees are conforming to the requirements of the Act and the Commission's rules. The Bureau's agents attempted to gain access to the Station during normal business hours on February 26, 2020, but did not receive access to the Station until March 6, 2020.<sup>30</sup> Accordingly, based on the evidence before us, we find that Jupiter apparently willfully violated section 73.878(a) of the Commission's rules by failing to make the Station available for inspection by a Commission agent.<sup>31</sup>

**C. Jupiter Apparently Failed to Install Required EAS Equipment**

15. Every broadcast station is part of the nationwide EAS network, a public warning system through which EAS participants are required to deliver alerts to the public to warn them of impending emergencies and dangers to life and property. The installation of minimum EAS equipment in a station is a core component of serving as an EAS participant.<sup>32</sup> During the March 6, 2020 inspection, the Bureau's agents observed that the Station did not appear to have any EAS equipment installed at the Transmitter Site. Manning explained that the Station's EAS equipment was located at the studio on the premises of Omega Church, whereupon one of the agents requested that Manning provide copies of the required EAS logs to demonstrate that the Station's EAS equipment was installed and functioning correctly. To date, Manning has only provided EAS logs for a different LPFM station, WOIB-LP, and has provided no evidence that Jupiter has installed EAS equipment for the Station.<sup>33</sup> Based on the information before us, we find that Jupiter apparently failed to demonstrate that it installed EAS equipment for the Station and therefore apparently willfully violated section 11.11(a) of the Commission's rules.

**D. Proposed Forfeiture**

16. Section 503(b) of the Act authorizes the Commission to impose a forfeiture against any entity that "willfully or repeatedly fail[s] to comply substantially with the terms and conditions of any license" or "willfully or repeatedly fail[s] to comply with any of the provisions of [the Act] or of any rule, regulation, or order issued by the Commission."<sup>34</sup> Here, section 503(b)(2)(A) of the Act authorizes us to assess a forfeiture against Jupiter of up to \$51,222 for each day of a continuing violation, up to a statutory

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<sup>29</sup> See e.g., *Eagle Broadcasting Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 592, para. 9 (2008), *aff'd sub nom. Eagle Broadcasting Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *Kingdom of God, Inc.*, Memorandum Opinion and Order, 31 FCC Rcd 7522, 7526, para. 8 (2016), *recons. denied*, 32 FCC Rcd 1599 (2017), 32 FCC Rcd 3654 (2017), *aff'd sub nom. Kingdom of God, Inc. v. FCC*, 719 Fed. Appx. 19 (D.C. Cir. 2018) (per curiam).

<sup>30</sup> See *supra* paras. 5-6 (detailing agent attempts to inspect the Station).

<sup>31</sup> See 47 CFR § 73.878(a).

<sup>32</sup> See 47 CFR § 11.11(a). LPFM stations are included in the Commission's definition of EAS participants. *Id.*

<sup>33</sup> See *supra* paras. 7, 9-10 (detailing agent and company observation and exchange regarding EAS equipment and logs).

<sup>34</sup> 47 U.S.C. § 503(b).

maximum of \$512,228 for a single act or failure to act.<sup>35</sup> In exercising our forfeiture authority, we must consider 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 such other matters as justice may require.”<sup>36</sup> In addition, the Commission has established forfeiture guidelines; they establish base penalties for certain violations and identify criteria that we consider when determining the appropriate penalty in any given case.<sup>37</sup> Under these guidelines, we may adjust a forfeiture upward for violations that are egregious, intentional, or repeated, or that cause substantial harm or generate substantial economic gain for the violator.<sup>38</sup>

17. Pursuant to the Commission’s *Forfeiture Policy Statement* and section 1.80(b) of the Commission’s rules, the base forfeiture for operating without an instrument of authorization is \$10,000; the base forfeiture for failing to permit an inspection is \$7,000; and the base forfeiture for failing to install required EAS equipment is \$8,000.<sup>39</sup> Based on Jupiter’s apparent violations of (1) section 301 of the Act and sections 73.840 and 73.845 of the Commission’s rules (unauthorized operation), (2) section 73.878(a) (failure to permit inspection), and (3) section 11.11(a) of the Commission’s rules (failure to install required EAS equipment), we propose an aggregate forfeiture of \$25,000.

18. Taking the statutory factors into account, we conclude that neither an upward nor a downward adjustment is appropriate here. Therefore, consistent with the *Forfeiture Policy Statement*, section 1.80 of the Commission’s rules, and the statutory factors, we propose a total forfeiture of \$25,000, for which Jupiter is apparently liable.

#### IV. CONCLUSION

19. We have determined that Jupiter apparently willfully violated section 301 of the Act and sections 11.11(a), 73.840, 73.845, and 73.878(a) of the Commission’s rules. As such, Jupiter is apparently liable for a forfeiture of \$25,000.

#### V. ORDERING CLAUSES

20. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act<sup>40</sup> and section 1.80 of the Commission’s rules,<sup>41</sup> Jupiter Community Radio, Inc. is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of Twenty-Five Thousand Dollars (\$25,000) for willful violations of section 301 of the Act<sup>42</sup> and sections 11.11(a), 73.840, 73.845, and 73.878(a) of the Commission’s rules.<sup>43</sup>

21. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission’s rules,<sup>44</sup> within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Jupiter Community Radio, Inc. **SHALL PAY** the full amount of the proposed forfeiture or

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<sup>35</sup> 47 U.S.C. § 503(b)(2)(A); 47 CFR § 1.80(b)(1). *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 34 FCC Rcd 12824 (EB 2019).

<sup>36</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>37</sup> 47 CFR § 1.80(b)(9), Note to paragraph (b)(8).

<sup>38</sup> *Id.*

<sup>39</sup> *The Commission’s Forfeiture Policy Statement and Amendment to Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b).

<sup>40</sup> 47 U.S.C. § 503(b).

<sup>41</sup> 47 CFR § 1.80.

<sup>42</sup> 47 U.S.C. § 301.

<sup>43</sup> 47 CFR §§ 11.11(a), 73.840, 73.845, 73.878(a).

<sup>44</sup> 47 CFR § 1.80.

**SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 24 below.

22. Jupiter Community Radio, Inc. shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at [field@fcc.gov](mailto:field@fcc.gov) on the date said payment is made. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission's Fee Filer (the Commission's online payment system),<sup>45</sup> or by wire transfer. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:<sup>46</sup>

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to [RROGWireFaxes@fcc.gov](mailto:RROGWireFaxes@fcc.gov) on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).<sup>47</sup> For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission's Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by credit card, log-in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Pay bills" on the Fee Filer Menu, and select the bill number associated with the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and then choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission's Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Pay bills" on the Fee Filer Menu and then select the bill number associated to the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

23. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554.<sup>48</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

24. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant

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<sup>45</sup> Payments made using the Commission's Fee Filer system do not require the submission of an FCC Form 159.

<sup>46</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

<sup>47</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>48</sup> See 47 CFR § 1.1914.

to sections 1.16 and 1.80(f)(3) of the Commission's rules.<sup>49</sup> The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to [field@fcc.gov](mailto:field@fcc.gov).

25. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.<sup>50</sup> Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.<sup>51</sup>

26. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested, to Wayne J. Manning, President, Jupiter Community Radio, Inc., at its address of record; and to Wayne J. Manning, 11050 Wiles Road, Suite 201, Coral Springs, Florida 33076.

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage  
Regional Director  
Region Two  
Enforcement Bureau

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<sup>49</sup> 47 CFR §§ 1.16, 1.80(f)(3).

<sup>50</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>51</sup> See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson, Morehead, Kentucky*, Forfeiture Order, 34 FCC Rcd 770, 778-79, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-904, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8660-61, para. 25 (2014).