

Federal Communications Commission

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

In the Matter of)	
)	
Marion R. Williams)	File No.: EB-FIELDSCR-18-00027145
)	
Licensee of Station W288DU)	Facility ID: 201046
)	
Canton, Mississippi)	FRN: 0004999876
)	
)	

NOTICE OF VIOLATION

Released: October 17, 2018

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules¹ to Marion R. Williams, licensee of radio station W288DU in Canton, MS. Pursuant to Section 1.89(a) of the Commission’s rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On June 27, 2018, an agent of the Enforcement Bureau’s New Orleans Office monitored radio station W288DU located at 126 E. Sowell Rd., Canton, MS, and observed the following violations:

- a. 47 C.F.R. § 74.14(a): “Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, technical requirements of this chapter, and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee or any class of station listed in this part may, without further authority of the Commission, conduct service or program tests.” At the time of inspection, Marion R. Williams did not have a FCC Form 350, Application for an FM Translator or FM Booster Station License, on file in accordance with Construction Permit BNPFT-20180314AAE Special Operating Condition 2³ and pursuant to 47 C.F.R. § 74.14(a).
- b. 47 C.F.R. § 74.1201(a): “FM translator. A station in the broadcasting service operated for the purpose of retransmitting the signals of an AM or FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristics of the incoming signal other than its frequency and amplitude, in order to provide radio broadcast service to the general public.” At the time of monitoring, Marion R. Williams

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ Special Operating Condition 2: “Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

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had a permit for a FM translator, call sign W288DU. W288DU was not retransmitting the signal of the AM station, WONG-AM, it was permitted to rebroadcast. WONG-AM was not on the air. Therefore, Marion R. Williams was not operating its radio station in accordance with its permit, specifically Special Operating Condition 4⁴.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended (Act), and Section 1.89 of the Commission's rules, we seek additional information concerning the violations and any remedial actions taken.⁵ Therefore, Marion R. Williams must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁶

4. In accordance with Section 1.16 of the Commission's rules, we direct Marion R. Williams to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Marion R. Williams with personal knowledge of the representations provided in Marion R. Williams's response, verifying the truth and accuracy of the information therein, and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced.⁷ To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁸

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

⁴ Special Operating Condition 4: "Pursuant to Revitalization of the AM Radio Service, Notice of Proposed Rule Making, 28 FCC Rcd 15221, 15227, para. 14 (2013), and First Report and Order, 30 FCC Rcd 12145, 12154, para. 17 and n. 43 (2015), the permittee and any successor in interest (licensee, transferee, or assignee) shall be subject to the following restrictions: (1).....4) if the authorization of the AM primary station set forth in this construction permit is rescinded, revoked, surrendered, subject to special temporary authorization (STA) to remain silent, or is otherwise suspended from operation, the authorization of this cross-service FM translator station shall likewise be rescinded, revoked, surrendered, silent for the duration of the AM primary station's STA to remain silent, or suspended from operation....Any violation of this condition shall result in the rescission of the grant of this authorization and the dismissal, with prejudice, of the associated application and, if applicable, cancellation of the associated construction permit."

⁵ 47 U.S.C. 308(b); 47 CFR § 1.89.

⁶ 47 CFR § 1.89(c).

⁷ Section 1.16 of the Commission's rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 CFR § 1.16.

⁸ 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

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6. This Notice shall be sent to Marion R. Williams at its address of record and to Marion R. Williams's counsel, Allan G. Moskowitz, Esq. at 10845 Tuckahoe Way, North Potomac, MD 20878.

7. The Privacy Act of 1974⁹ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage
Director – Region Two
Enforcement Bureau

⁹ 5 U.S.C. § 552a(e)(3).