

Federal Communications Commission

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

In the Matter of

Syncom Media Group, Inc.
Licensee of Station WMTO-LP
Facility ID: 127802

Norfolk, Virginia

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File No.: EB-FIELDNER-18-00027853

NOTICE OF VIOLATION

Released: December 04, 2018

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Syncom Media Group, Inc., licensee of station WMTO-LP serving Norfolk, Virginia. 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 noted herein.²

2. Acting on a complaint of a possible unauthorized broadcast "pirate" operation, on April 6, 2018, an agent of the Enforcement Bureau's Columbia Office monitored and inspected low power television station (LPTV) WMTO-LP located at 5443 Nansemond Parkway, Suffolk, Virginia on the WGNT-TV Tower (Antenna Structure # 1018292) operating on Channel 6 and observed the following violation:

- a. 47 CFR § 74.751(b) "Formal application ... is required for any of the following changes: ... (2) Any change in the transmitting antenna system, including the direction of radiation, directive antenna pattern, antenna gain, transmission line loss characteristics, or height of antenna center of radiation." At the time of the inspection, the agent observed that station WMTO-LP was utilizing a four-bay, circularly polarized FM antenna. However, the station's latest license authorization (File # 0000040181) authorizes WMTO-LP to utilize horizontal polarization. Therefore, the licensee was required to file a modification application to implement a change to its antenna polarization. However, but the agent did not find evidence of such a filing in the Commission's licensing records.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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- b. 47 CFR § 74.735 Power limitations. “(a) The maximum peak effective radiated power (ERP) of an analog low power TV, TV translator, shall not exceed: (1) 3 kW for VHF channels 2–13.” The agent observed the station was operating a Nautel FM Transmitter (Model NS2.5) to generate the station’s aural carrier. The agent used the observed transmitter output (TPO) along with the values noted in the station’s license to calculate the effective radiated power (ERP) of 12.4 kW for the aural carrier, which exceeded the authorized ERP of 660 Watts.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended, and Section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any remedial actions taken.³ Therefore, Syncom Media Group, Inc., 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.⁴

4. In accordance with Section 1.16 of the Rules, we direct Syncom Media Group, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Syncom Media Group, Inc. with personal knowledge of the representations provided in Syncom Media Group, Inc.’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.⁵ 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.⁶

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 and email address:

³ 47 U.S.C. 308(b); 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

⁵ Section 1.16 of the 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.

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

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Enforcement Bureau
Columbia Regional Office
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6. This Notice shall be sent to Syncom Media Group, Inc. at its address of record and its counsel, Michelle A. McClure, at Fletcher, Heald & Hildreth, 300 17th Street North #1100, Arlington, Virginia 22209.

7. The Privacy Act of 1974⁷ 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

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau
Federal Communications Commission

⁷ 5 U.S.C. § 552a(e)(3).