

**Federal Communications Commission**

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

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

**NOTICE OF VIOLATION**

**Released: April 9, 2020**

By the Acting Field Director, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules<sup>1</sup> to Jupiter Community Radio, Inc., licensee of radio station WJUP-LP in Jupiter, Florida. Pursuant to section 1.89(a) of the 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.<sup>2</sup>

2. Agents of the Enforcement Bureau’s Miami Office investigated radio station WJUP-LP, and observed the following violation(s):

- a. 47 CFR § 73.840: Operating power and mode tolerances. “The transmitter power output (TPO) of an LPFM station must be determined by the procedures set forth in §73.267 of this part. The operating TPO of an LPFM station with an authorized TPO of more than ten watts must be maintained as near as practicable to its authorized TPO and may not be less than 90% of the minimum TPO nor greater than 105% of the maximum authorized TPO. An LPFM station with an authorized TPO of ten watts or less may operate with less than the authorized power, but not more than 105% of the authorized power.” WJUP-LP’s license (File No. BLL-20150722ACD) authorizes a TPO of 45 watts. On March 6, 2020, agents conducted an inspection of the WJUP-LP transmitter site and observed that the TPO was 100 watts, or 222% of the authorized power.
- b. 47 CFR § 73.845: Transmission system operation. “Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization. In the event that an LPFM station is operating in a manner that is not in compliance with the technical rules set forth elsewhere in this part or the terms of the station authorization, broadcast operation must be terminated within three hours.” WJUP-LP is authorized under its station license to operate from coordinates 26° 56’ 34.20” N latitude and 80° 04’ 17.10” W

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

longitude (NAD 83), with TPO of 45 watts, using a one-bay, Nicom BKG88 circularly polarized dipole antenna, with an effective radiated power (ERP) of 20 watts. On February 19, 2020 and March 6, 2020, agents determined that WJUP-LP was operating from coordinates 26° 56' 17.27" N latitude and 80° 04' 15.50" W longitude (NAD 83), using a two-bay vertical dipole antenna array which does not have the same technical specifications as the BKG88 antenna. Specifically, the two-bay dipole as installed provides 6 dB (4 times) more gain than that of the authorized Nicom antenna. On March 6, 2019, based on the observed antenna and observed TPO of 100 watts, the station was operating with a calculated ERP of approximately 177 watts. On both February 19, 2020 and March 6, 2020, agents made field strength measurements of WJUP-LP's signal. Based on these measurements, the station's ERP on February 19 was calculated to be significantly higher than on March 6, 2020. Therefore, on both dates, WJUP-LP was operating from a location 0.32 miles from its authorized transmitter site, with an unauthorized antenna system, and with an ERP far exceeding the authorized ERP of 20 watts.

- c. 47 CFR § 73.875(c)(1): Modification of transmission systems. "The following LPFM modifications may be made without prior authorization from the Commission. A modification of license application (FCC Form 319) must be submitted to the Commission within 10 days of commencing program test operations pursuant to §73.1620.... Replacement of an antenna with one of the same or different number of antenna bays, provided that the height of the antenna radiation center is not more than 2 meters above or 4 meters below the authorized values...." WJUP-LP's station license specifies the antenna type as a one-bay, Nicom BKG88 antenna. The installed two-bay dipole antenna array observed on February 19, 2020 and March 6, 2020 does not have the same technical specifications as the BKG88 antenna. Therefore, Jupiter Community Radio, Inc. was required to notify the Commission of this antenna change within 10 days of commencing program test operations. The Commission has not received such notification.
- d. 47 CFR § 73.878(a) Station inspections by FCC. "The licensee of a broadcast station shall make the station available for inspection by representatives of the FCC during the station's business hours, and at any time it is in operation...." On Wednesday, February 26, 2020, during normal business hours, an agent spoke by telephone to a representative of the owner of WJUP-LP and requested to inspect the transmitter site. The representative indicated that an inspection at that time would not be possible, since the only person in control of the station who could possibly meet the agent at the station was out of the country, with no scheduled return date. On both February 27 and March 2, 2020, during normal business hours, the agent again called the station owner's telephone number, but reached voicemail. The agent left messages identifying as an FCC agent, requested to speak to the chief operator of the station, and asked that the station owner make the station available for inspection by an FCC agent. The agent did not receive a return call from a station representative.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Rules,<sup>3</sup> we seek additional information concerning the violations and any remedial actions taken. Therefore, Jupiter Community Radio, 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

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<sup>3</sup> 47 CFR § 308(b); 47 CFR § 1.89.

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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.<sup>4</sup>

4. In accordance with section 1.16 of the Rules, we direct Jupiter Community Radio, 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 Jupiter Community Radio, Inc. with personal knowledge of the representations provided in Jupiter Community Radio, 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 Jupiter Community Radio, Inc.'s possession, custody, control, or knowledge has been produced.<sup>5</sup> 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.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File Number, specified above, and mailed and emailed to the following address:

Federal Communications Commission  
Atlanta Regional Office  
P.O. Box 1493  
Powder Springs, GA 30127  
Field@FCC.gov

6. This Notice shall be sent to Jupiter Community Radio, Inc. at its address of record; and to Wayne J. Manning, The Omega Church International Ministry, 11050 Wiles Road, Suite 201, Coral Springs, FL 33076.

7. The Privacy Act of 1974<sup>7</sup> 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  
Acting Field Director  
Enforcement Bureau

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<sup>4</sup> 47 CFR § 1.89(c)

<sup>5</sup> 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.

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

<sup>7</sup> 5 U.S.C. § 552a(e)(3).