

Federal Communications Commission

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

In the Matter of)	
)	
Sucremedia, Inc.)	File No.: EB-FIELDSCR-20-00031737
Licensee of Station WBVL-LP)	
)	Facility ID: 133444
Kissimmee, Florida)	
)	
)	
)	

NOTICE OF VIOLATION

Released: March 2, 2021

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 Sucremedia, Inc., licensee of radio station WBVL-LP in Kissimmee, Florida. 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 December 27, 2020, after receiving a complaint from the Federal Aviation Administration (FAA), Agents of the Enforcement Bureau’s Miami Office investigated radio station WBVL-LP operations in Kissimmee, Florida, and observed the following violation:

- a. 47 CFR § 73.508(b) “The transmitter and associated transmitting equipment of each noncommercial educational FM station and LPFM station licensed for transmitter power output above 10 watts must be designed, constructed and operated in accordance with § 73.317.” 47 C.F.R. § 73.317(d): “Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least $43 + 10 \text{Log}_{10}$ (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation.” WBVL-LP is licensed to operate on 99.7 MHz at a maximum Effective Radiated Power (ERP) of 89 Watts. Thus, spurious emissions appearing on a frequency removed from the carrier (99.7 MHz) by more than 600 kHz must be attenuated at least 62.49 dB. The fundamental frequency, 99.7 MHz, had a field strength level of 1.749 dBm. The Enforcement Bureau’s Agents measured spurious emissions emanating from the WBVL-LP transmitter on six frequencies that were all removed by more than 600 kHz from the carrier. Spurious emissions on 114.145 MHz had a field strength level of -47.89 dBm, 115.850 MHz had a field strength level of -35.92 dBm, 118.385 MHz had a field strength level of -20.38 dBm, 120.995 MHz had a field strength level of -22.59 dBm, 134.585 MHz had a field strength level of -53.15 dBm, and 135.765 MHz had a field strength level of -55.45 dBm. All of the spurious emissions were attenuated less than 62.49 dB from the fundamental frequency. Thus, the measured spurious emissions’ field strength levels were all in excess of the limit for such emissions determined

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

pursuant to Section 73.317(d) of the Commission's rules.

- b. 47 C.F.R. § 73.845: "Each licensee is responsible for maintaining and operating its broadcast station in a manner which 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." At the time of the inspection, the WBVL-LP transmitter was emitting spurious signals on 114.145 MHz, 115.850 MHz, 118.385 MHz, 120.995 MHz, 134.585 MHz, and 135.765 MHz. WBVL-LP's license did not authorize it to operate on these frequencies. The FAA began receiving interference to Orlando International Airport aviation frequencies on December 15, 2020. The interference was reported to the Enforcement Bureau on December 26, 2020 at approximately 3:30 PM. Numerous attempts were made to contact WBVL-LP's personnel. WBVL-LP went off the air on December 28, 2020 at approximately 9:00 AM, more than 41 hours after the station began operating in a manner that was not in compliance with the terms of its station authorization. Thus, WBVL-LP failed to cease operation within three hours, as required by the rule. Once the WBVL-LP went off the air, the interference to the Orlando International Airport ceased.

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.³ Therefore, Sucremedia, 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 Commission's rules, we direct Sucremedia, 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 Sucremedia, Inc. with personal knowledge of the representations provided in Sucremedia, 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 Number, specified above, and mailed and emailed to the following address:

³ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

⁵ 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.

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

Federal Communications Commission

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6. This Notice shall be sent to Sucremedia, Inc. at its address of record.

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

Ronald Ramage
Regional Director, Region Two
Enforcement Bureau

⁷ 5 U.S.C. § 552a(e)(3).