

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Universal Broadcasting Network LLC	)	File No.: EB-FIELDSCR-22-00033595
Licensee of Station WWWK	)	
	)	Facility ID: 34355
Islamorada, Florida	)	
	)	FRN: 0021029368

**NOTICE OF VIOLATION**

**Released: July 19, 2022**

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 rules<sup>1</sup> to Universal Broadcasting Network LLC (UBN), licensee of radio station WWWK in Islamorada, Florida (Station). 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. On April 8, 2022, based on a complaint, agents of the Enforcement Bureau’s Miami Office monitored radio station WWWK and observed the following violation:

- a. 47 CFR § 73.1350(a): “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.” At the time of the agents’ observations, the Station was authorized to operate pursuant to an Extension of Special Temporary Authority (STA), File No. BESTA-20220216AAF, granted to it by the Media Bureau on February 18, 2022. In the Station’s original STA application (Application File No. BSTA-20180223AAI) and subsequent extensions, UBN requested authority for the Station to transmit using a non-directional antenna from antenna structure registration number 1042438, located at coordinates 25° 01’ 35” N latitude and 80° 30’ 30” W longitude (NAD 27). On April 8, 2022, agents determined that the Station was operating with a directional antenna from a residential property in Homestead, Florida, at coordinates 25° 27’ 19.8” N latitude and 80° 30’ 26.7” W longitude (NAD 27), approximately 29.5 miles from its authorized location. That same day, the agents met with the Station’s manager, who admitted that the Station had been operating from the unauthorized location in Homestead, using a OMB model YAV 3 DIR directional antenna, since early March, 2022. On May 20, 2022, the Station’s manager emailed a letter to one of the agents confirming that the Station had been operating at the unauthorized Homestead location using the unauthorized YAV 3 DIR antenna beginning

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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on March 9, 2022.<sup>3</sup> Thus, the Station was operating from a location not authorized by the STA in effect at that time, using an antenna not authorized by the STA in effect at that time, both of which are violations of Section 73.1350(a) of the Rules.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken.<sup>4</sup> Therefore, UBN 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 timeline 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>5</sup>

4. In accordance with section 1.16 of the Commission's rules, we direct UBN to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of UBN, with personal knowledge of the representations provided in UBN'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.<sup>6</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>7</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  
Region Two Regional Office  
P.O. Box 1493  
Powder Springs, GA 30127  
field@fcc.gov

6. This Notice shall be sent to Universal Broadcasting Network LLC, 185 Benedict Road, Brunswick, GA 31520, its address of record and to its counsel, Burt A. Braverman, Davis Wright Tremaine LLP, 1301 K Street, N.W., Suite 500 East, Washington, DC 20005.

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<sup>3</sup> On or about April 12, 2022, UBN submitted a Request for Engineering STA to allow the Station to operate at the Homestead, FL site using the YAV 3 DIR antenna. The STA was granted by the Media Bureau's Audio Division on April 14, 2022, and remains in effect until October 11, 2022 (File No. BSTA-20220412AAB). Thus, UBN was apparently in violation of Section 73.1350(a) of the Rules from March 9 to April 13, 2022.

<sup>4</sup> 47 CFR § 308(b); 47 CFR § 1.89.

<sup>5</sup> 47 CFR § 1.89(c)

<sup>6</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>7</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

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7. The Privacy Act of 1974<sup>8</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

Dedrick Roybiskie  
Regional Director, Region Two  
Enforcement Bureau

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<sup>8</sup> 5 U.S.C. § 552a(e)(3).