

Federal Communications Commission

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

In the Matter of)	
)	
Ben Jordan Communications Corporation)	File No.: EB-FIELDSCR-21-00033076
Licensee of Station WBRQ(FM))	
)	Facility ID: 90858
Lagrange, Georgia)	
)	
)	
)	

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 rules¹ to Ben Jordan Communications Corporation (Ben Jordan), licensee of radio station WBRQ(FM) in Lagrange, Georgia. 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 violations noted herein.²

2. On January 21, 2022, agents of the Enforcement Bureau’s Atlanta Office inspected radio station WBRQ(FM) located at 752 North Lanier Avenue, and observed the following violations:

- a. 47 U.S.C. § 301: “No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio” within the United States or its territories “except under and in accordance with this chapter and with a license in that behalf granted under the provisions of this chapter.” Ben Jordan was operating a booster station with an authorization from the Commission.³
- b. 47 CFR § 73.3533(a)(6): “Application for construction permit, or modification of a construction permit, for a new facility or change in an existing facility is to be made on the following forms: FCC Form 349, “Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station.” Ben Jordan was operating a booster station without filing an FCC Form 349 with the Commission.
- c. 47 CFR § 74.1232(g): “No numerical limit is placed upon the number of FM booster stations which may be licensed to a single licensee. A separate application is required for each FM booster station...” Ben Jordan was operating a booster station without filing an application with the Commission.
- d. 47 CFR § 73.277(b): “The transmission (or interruption) of radio energy in the FM broadcast band is permissible only pursuant to a station license, program test authority,

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 U.S.C. § 301.

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construction permit, or experimental authorization and the provisions of this part of the rules.” Ben Jordan was operating a booster station without any authorization from the Commission.

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.⁴ Therefore, Ben Jordan 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.⁵

4. In accordance with section 1.16 of the Commission’s rules, we direct Ben Jordan to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Ben Jordan with personal knowledge of the representations provided in Ben Jordan’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.⁶ 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.⁷

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

Federal Communications Commission
Region Two Regional Office
P.O. Box 1493
Powder Springs, GA 30127
504-219-8999
FIELD@FCC.GOV

6. This Notice shall be sent to Ben Jordan Communications Corporation at its address of record and to its counsel, Jeffrey Southmayd at 1220 19th Street NW, Suite 400, Washington, DC 20036-2438.

7. The Privacy Act of 1974⁸ 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

⁴ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁵ 47 CFR § 1.89(c).

⁶ 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.

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

⁸ 5 U.S.C. § 552a(e)(3).

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what, if any, enforcement action is required to ensure compliance.

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Dedrick Roybiskie
Regional Director, Region Two
Enforcement Bureau