

Federal Communications Commission

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

In the Matter of)	
)	
Walco Enterprises, LLC)	File No.: EB-FIELDSCR-22-00033419
Licensee of Station WKFL)	
)	
Bushnell, Florida)	Facility ID: 62365
)	
)	FRN: 0027662642
)	
)	

NOTICE OF VIOLATION

Released: September 16, 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 Walco Enterprises, LLC, licensee of radio station WKFL in Bushnell, Florida (Station). 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 March 22 and 23, 2022, an Agent of the Enforcement Bureau’s Miami Office monitored and inspected the Station and observed the following violation:

- a. 47 CFR § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.” Daytime-only AM stations are restricted to operating in “the hours between average monthly local sunrise and average monthly local sunset.”³ According to its license, the Station is authorized to operate on 1170 kHz with 1 kilowatt of power during daytime hours only. In response to a complaint that the Station was operating after sunset, an Agent from the Miami Office monitored the Station and observed it was still operating at 8:16 p.m. EDT, which was well after the local sunset time of 7:30 p.m. EDT. The Station’s failure to cease operating after sunset was a violation of its license conditions and section 73.1745 of the Commission’s rules.

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, Walco Enterprises, LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 C.F.R. § 73.1720. Uniform monthly sunset/sunrise times are “based upon the actual times of sunrise and sunset for the fifteenth day of the month adjusted to the nearest quarter hour. Sunrise and sunset times are derived by using the standardized procedure and the tables in the 1946 American Nautical Almanac issued by the United States Naval Observatory.” 47 C.F.R. § 73.1720(a).

⁴ 47 U.S.C. § 308(b); 47 CFR § 1.89.

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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.⁵

4. In accordance with section 1.16 of the Commission's rules, we direct Walco Enterprises, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Walco Enterprises, LLC with personal knowledge of the representations provided in Walco Enterprises, LLC'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 Walco Enterprises, LLC at its address of record.

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

FEDERAL COMMUNICATIONS COMMISSION

Dedrick Roybiskie
Regional Director, Region Two
Enforcement Bureau

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).