

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

In the Matter of	)	
	)	
AMFM Radio Licenses, L.L.C.	)	File No. EB-02-DV-439
Licensee of FM Radio Station KBIG-FM	)	NAL/Acct. No. 200432100001
Los Angeles, California	)	FRN 0001656586
Facility ID # 6360	)	
	)	
Radio One Licenses, LLC	)	NAL/Acct. No. 200432100002
Licensee of FM Radio Station KKBT	)	FRN 0006541486
Los Angeles, California	)	
Facility ID # 70038	)	
	)	
Infinity Broadcasting Operations, Inc.	)	NAL/Acct. No. 200432100003
Licensee of FM Radio Station KRTH-FM	)	FRN 0003476074
Los Angeles, California	)	
Facility ID # 28631	)	
	)	
Telemundo of Los Angeles License Corporation	)	NAL/Acct. No. 200432100004
Licensee of TV Station KWHY-TV	)	FRN 0004294179
Los Angeles, California	)	
Facility ID # 26231	)	

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Adopted: October 20, 2003**

**Released: October 22, 2003**

By the Commission:

**I. Introduction**

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), we find that the captioned licensees of broadcast stations operating from the Mt. Wilson transmitter site in Los Angeles, California, apparently willfully and repeatedly violated Section 1.1310 of the Commission’s Rules (“Rules”)<sup>1</sup> by failing to comply with radio frequency radiation (“RFR”) maximum permissible exposure limits applicable to facilities, operations, or transmitters. We conclude, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“Act”),<sup>2</sup> that AMFM Radio Licenses, L.L.C. (“AMFM”), licensee of FM radio station KBIG-FM, Radio One Licenses, LLC (“Radio One”), licensee of FM radio station KKBT, Infinity Broadcasting Operations, Inc. (“Infinity”), licensee of FM radio station KRTH-FM, and Telemundo of Los Angeles License Corporation (“Telemundo”), licensee of TV station KWHY-TV, all serving Los Angeles, California, are each apparently liable for a separate forfeiture in the amount of ten thousand dollars (\$10,000).

<sup>1</sup> 47 C.F.R. § 1.1310.

<sup>2</sup> 47 U.S.C. § 503(b).

## II. Background

2. **The RFR Rules.** In 1996, the Commission amended its rules to adopt new guidelines and procedures for evaluating the environmental effects of RFR from FCC regulated transmitters.<sup>3</sup> The Commission adopted maximum permissible exposure (“MPE”) limits for electric and magnetic field strength and power density for transmitters operating on towers at frequencies from 300 kHz to 100 GHz.<sup>4</sup> These MPE limits, which are set forth in Section 1.1310 of the Rules, include limits for “occupational/controlled” exposure and limits for “general population/uncontrolled” exposure. The occupational exposure limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure.<sup>5</sup> The limits of occupational exposure also apply in situations where an individual is transient through a location where the occupational limits apply, provided that he or she is made aware of the potential for exposure. The more stringent general population or public exposure limits apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure.<sup>6</sup> Licensees can demonstrate compliance by restricting public access to areas where RFR exceeds the public MPE limits.<sup>7</sup>

3. The MPE limits specified in Table 1 of Section 1.1310 are used to evaluate the environmental impact of human exposure to RFR and apply to “...all facilities, operations and transmitters regulated by the Commission.”<sup>8</sup> Further, the FCC’s rules require that if the MPE limits are exceeded in an accessible area due to the emissions of multiple transmitters, that actions necessary to bring the area into compliance “are the shared responsibility of all licensees whose transmitters produce, at the area in question, power density levels that exceed 5% of the power density exposure limit applicable to their particular transmitter.”<sup>9</sup> The 5% threshold applies to the power density limit or to the square of electric or magnetic field strength limit.<sup>10</sup> If the MPE limits are exceeded at an accessible area,

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<sup>3</sup> *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Report and Order*, ET Docket No. 93-62, 11 FCC Rcd 15123 (1996), *recon. granted in part, First Memorandum Opinion and Order*, 11 FCC Rcd 17512 (1996), *recon. granted in part, Second Memorandum Opinion and Order and Notice of Proposed Rulemaking*, 12 FCC Rcd 13494 (1997) (“*Guidelines*”).

<sup>4</sup> See 47 C.F.R. § 1.1310, Table 1. The MPE limits are generally based on recommended exposure guidelines published by the National Council on Radiation Protection and Measurements (“NCRP”) in “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” NCRP Report No. 86, Sections 17.4.1, 17.4.1.1., 17.4.2, and 17.4.3 (1986). In the frequency range from 100 MHz to 1500 MHz, the MPE limits are also generally based on guidelines contained in the RF safety standard developed by the Institute of Electrical and Electronics Engineers, Inc. (“IEEE”) and adopted by the American National Standards Institute (“ANSI”) in Section 4.1 of “IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” ANSI/IEEE C95.1-1992 (1992).

<sup>5</sup> 47 C.F.R. § 1.1310, Note 1 to Table 1.

<sup>6</sup> 47 C.F.R. § 1.1310, Note 2 to Table 1.

<sup>7</sup> See, for example, *OET Bulletin 65*.

<sup>8</sup> See 47 C.F.R. §§ 1.1307(b), 1.1307(b)(1), 1.1310.

<sup>9</sup> *Id.* at 13520-21; 47 C.F.R. § 1.1307(b)(3).

<sup>10</sup> *Guidelines, Second Memorandum Opinion and Order and Notice of Proposed Rulemaking*, 12 FCC Rcd at 13524; 47 C.F.R. § 1.1307(b)(3). Power density is equal to the square of the electric field strength divided by the characteristic impedance of free space (377 ohms). Similarly, power density is equal to the square of the magnetic field strength times the characteristic impedance of free space. The power density is expressed in milliwatts per

all stations that produce a power density level exceeding 5% of the power density exposure limit applicable to its particular transmitter at that accessible area share responsibility to correct the problem.<sup>11</sup>

4. Broadcast stations that filed applications after October 15, 1997, for an initial construction permit, license, renewal or modification of an existing license were required to demonstrate compliance with the new RFR MPE limits, or to file an Environmental Assessment and undergo environmental review by Commission staff.<sup>12</sup> In addition, all existing licensees, including all licensees at multiple transmitter sites, were required to come into compliance with the new RFR MPE limits by September 1, 2000, or to file an Environmental Assessment.<sup>13</sup>

5. **The Mt. Wilson Inspection.** On July 11 and 12, 2002, agents from the FCC's Enforcement Bureau field offices conducted an inspection of the Mt. Wilson telecommunications and antenna farm site located northeast of downtown Los Angeles, California, off Highway 2, on Mt. Wilson (5710 ft.) in the San Gabriel Mountains. The main antenna farm, encircled by Video Road, is not fully fenced or gated. Agents were able to access the site without encountering protective fencing or warning signs on July 11, 2002 on three sides of the area and on two sides of the area on July 12, 2002. Nestled within the broadcast towers on Video Road is the Mt. Wilson United States Post Office (91023), which serves the Mt. Wilson area. Approximately 330 yards southeast from the United States Post Office is the entrance to the Mt. Wilson Observatory and Park, which receives thousands of visitors a year.

6. The agents identified a 10 ft. by 100 ft. area on a driveway into the main antenna farm located off Video Road on July 11, 2002, that exceeded the FCC's public MPE limits at ground level. The identified area on the driveway was only approximately 100 feet from the United States Post Office, accessible to the general public and not marked with any RFR warning signs. On July 11, 2002, agents made power density measurements throughout the identified area on the driveway that ranged from 152.5% to 197.5% of the public RFR MPE limit. Thus, conservatively, the RFR fields exceeded the MPE limits for the general population by 50%.

7. After identifying and marking the area on the driveway exceeding the RFR MPE public limits, the agents observed a broken chain on the ground to one side of the entrance to the driveway, on top of a weathered and damaged "No Trespassing" sign. Just prior to the time the agents departed that area of the Mt. Wilson antenna farm on July 11, an engineer from one of the stations at the site repaired the chain, strung it across the driveway, and placed a RFR warning sign on the chain. Several broadcast station engineers familiar with the site admitted to FCC agents that the chain had not been attached for several days prior to the inspection on July 11 and most likely had been taken down by contractors working for licensees at the site.

8. On July 12, 2002, FCC agents with the cooperation of all the broadcasters at the Mt.

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square centimeter. *Guidelines, Second Memorandum Opinion and Order and Notice of Proposed Rulemaking*, 12 FCC Rcd at n.74.

<sup>11</sup> *Id.* at 13520-21; 47 C.F.R. § 1.1307(b)(3).

<sup>12</sup> *Guidelines, Second Memorandum Opinion and Order and Notice of Proposed Rulemaking*, 12 FCC Rcd at 13538; 47 C.F.R. § 1.1307(b).

<sup>13</sup> *Guidelines, Second Memorandum Opinion and Order and Notice of Proposed Rulemaking*, 12 FCC Rcd at 13540; 47 C.F.R. § 1.1307(b)(5). *See also, Public Notice*, Year 2000 Deadline for Compliance with Commission's Regulations Regarding Human Exposure to Radiofrequency Emissions (released Feb. 25, 2000); *Public Notice*, Erratum to February 25, 2000 Public Notice, 15 FCC Rcd 13600 (released April 27, 2000); *Public Notice*, Reminder of September 1, 2000, Deadline for Compliance with Regulations for Human Exposure to Radiofrequency Emissions, 15 FCC Rcd 18900 (released Aug. 24, 2000).

Wilson antenna farm, conducted additional measurements at the area marked and identified as exceeding the public RFR MPE limits.<sup>14</sup> Although on July 11 an engineer from one of the stations at the site repaired the chain and strung it across the driveway, Commission agents noted on July 12 that the area exceeding the public limit was still accessible to the general public exiting from the Post Office and did not have RFR warning signs posted. Specifically, agents were able to access the site without encountering protective fencing or warning signs on July 11, 2002 on three sides of the area and on two sides of the area on July 12, 2002. The agents marked a single spot in the middle of the approximately 10 feet by 100 feet area identified on July 11 as exceeding the MPE public limits and made RFR measurements with all stations transmitting to establish the overall power density level. Field agents then requested each licensee in the vicinity of the identified area to temporarily and sequentially power down its transmitter. Field agents made two spatially averaged RFR power density measurements of each of the 21 broadcast stations while its transmitter was powered off to determine the power density level produced by each transmitter and to determine which transmitters were producing power density levels that exceeded 5% or more of its individual MPE limit at the identified area.<sup>15</sup> The on-air and off-air measurements indicated that four of the 21 stations within the vicinity were producing power density levels at significantly more than 5% of the public MPE limits applicable to their transmitter.<sup>16</sup>

9. On July 12, 2002, agents selected a single area on the driveway from which they took all of the measurements. The overall RFR power density measurement on the driveway was 160.5% of the MPE public limit with all stations in operation.<sup>17</sup> When KBIG-FM went off the air, the RF level decreased to 78.75% of the MPE public limit indicating that KBIG-FM was producing a power density level that was 81.75 % of the MPE limit for its particular transmitter. Based on these measurements and further calculations, the power density level produced by station KBIG-FM was 0.1635 mW/cm<sup>2</sup>. Based upon similar procedures, FM station KKBT was producing a power density level that was 11% of the MPE limit for its particular transmitter (a power density of 0.022 mW/cm<sup>2</sup>), FM station KRTH-FM was producing a power density level that was 11.75% of the MPE limit for its particular transmitter (a power density of 0.0235 mW/cm<sup>2</sup>), and TV station KWHY-TV was producing a power density level that was 10.5% of the MPE limit for its particular transmitter (a power density of 0.036 mW/cm<sup>2</sup>) to the total RFR

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<sup>14</sup> Agents contacted all of the 21 relevant broadcast stations after the RFR measurements to arrange for On-Off testing on July 12, 2002.

<sup>15</sup> Section 1.1307(b)(3) of the Rules states: "In general, when the guidelines specified in § 1.1310 are exceeded in an accessible area due to the emissions from multiple fixed transmitters, actions necessary to bring the area into compliance are the shared responsibility of all licensees whose transmitters produce, at the area in question, power density levels that exceed 5% of the power density exposure limit applicable to their particular transmitter..." 47 C.F.R. § 1.1307(b)(3).

<sup>16</sup> Measurements were taken for each transmitter operating at the site, including auxiliary, analog and digital transmitters.

<sup>17</sup> Table 1 of Section 1.1310 specifies the applicable MPE limits in terms of power density (mW/cm<sup>2</sup>) for FM and television broadcast station transmitters. The maximum power density levels permitted are frequency dependent. During the Mt. Wilson inspection, the FCC agents utilized a FCC owned, calibrated RF meter with a calibrated probe that measures the electric field from RF signals in the band 300 kHz to 40 GHz. The probe is a sensor designed to simultaneously measure the RF emissions of multiple transmitters on widely separated frequencies such as would occur at an antenna farm containing both FM broadcast stations and television stations and can be used to determine the total RF power level at a particular location. The probe's frequency response curve is "shaped" to mimic the FCC MPE limits. The energy of the signals the probe detects are converted to a power density, then calculated as a percentage of the MPE limit for the appropriate frequency and added together. The results are displayed on the meter as a percentage of the MPE limit. *See, generally, OET Bulletin 65* at Section 3, Measuring RF fields.

in the area identified as exceeding the public RFR MPE limits.<sup>18</sup>

Station	MHz	FCC MPE Limit	Power Density Produced by Station Transmitter	% of FCC MPE Limit Produced by Station Transmitter
KBIG-FM	104.3	0.2 mW/cm <sup>2</sup>	0.1635 mW/cm <sup>2</sup>	81.75%
KKBT	100.3	0.2 mW/cm <sup>2</sup>	0.022 mW/cm <sup>2</sup>	11%
KRTH-FM	101.1	0.2 mW/cm <sup>2</sup>	0.0235 mW/cm <sup>2</sup>	11.75%
KWHY-TV	518	0.35 mW/cm <sup>2</sup>	0.036 mW/cm <sup>2</sup>	10.5%

### III. Discussion

10. Section 503(b) of the Act provides that any person who willfully or repeatedly fails to comply substantially with the terms and conditions of any license, or willfully or repeatedly fails to comply with any of the provisions of the Act or of any rule, regulation or order issued by the Commission thereunder, shall be liable for a forfeiture penalty. The term “willful” as used in Section 503(b) has been interpreted to mean simply that the acts or omissions are committed knowingly.<sup>19</sup> The term “repeated” means the commission or omission of such act more than once or for more than one day.<sup>20</sup>

11. Section 1.1310 of the Rules requires licensees to comply with RFR exposure limits.<sup>21</sup> Table 1 in Section 1.1310 of the Rules provides that the general population RFR maximum permissible exposure limit for a station operating in the frequency range of 30 MHz to 300 MHz is 0.200 mW/cm<sup>2</sup> and the general population RFR maximum permissible exposure limit for a station operating in the frequency range of 300 MHz to 1500 MHz is  $f/1500$  mW/cm<sup>2</sup> or for station KWHY-TV which operates on 518 MHz, 0.345 mW/cm<sup>2</sup>. Section 1.1307(b)(3) of the Rules states in part that “when the guidelines specified in Section 1.1310 are exceeded in an accessible area due to the emissions from multiple fixed

<sup>18</sup> The combined power density levels produced by the four stations listed in this *NAL* add up to 115% of the Commission’s MPE limits. The difference between the 115% produced by the four stations and the power density level measurements with all stations operational, 160.5%, is accounted for by the fact that there were 17 other stations that were not producing power density levels at significantly more than 5% of the public MPE limits, but did add to the overall power density level.

<sup>19</sup> Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful’, ... means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act....” See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387 (1991).

<sup>20</sup> Section 312(f)(2) of the Act, 47 U.S.C. § 312(f)(2), which also applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘repeated’, ... means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.”

<sup>21</sup> 47 C.F.R. § 1.1310.

transmitters, actions necessary to bring the area into compliance are the shared responsibility of all licensees whose transmitters produce, at the area in question, power density levels that exceed 5% of the power density exposure limit applicable to their particular transmitter.”<sup>22</sup>

12. On July 11 and 12, 2002, FCC agents found four broadcast stations transmitting from the Mt. Wilson communications and antenna farm site that produced significantly over 5% to a RF field in a publicly accessible area that exceeded the public RFR MPE limits by 60.5%. Each of the licensees of these four stations was required to ensure that by September 1, 2000, their stations were in compliance with the RFR MPE limits adopted by the Commission in 1996, or file an Environmental Assessment. Licensees also bear responsibility to restrict access to areas that exceed the RFR limits or to modify the facility and operation so as to bring the station's operation into compliance with the RFR exposure limits prior to public or worker access to the impacted area.<sup>23</sup>

13. At the time of inspections on July 11 and 12, 2002, no Environmental Assessments were on file with the Commission for any of the four stations. The main antenna site that included the area found to exceed the public MPE limits was not enclosed within protective fencing. A United States Post Office was located 100 ft. from the noncompliant area. On July 11, 2002, no RFR warning signs were found in the immediate vicinity demarcating the area exceeding the FCC's public RFR MPE limits. Although fences did surround the bases of broadcast towers and some did have RFR warning signs, the area where RFR was found to exceed the public MPE limits was not encompassed within a fence or properly demarcated with RFR warning signs. On July 11, 2002, agents inspecting the site found a broken chain and battered “No Trespassing” sign lying in a pile and unattached at the side of the driveway. In addition, on both days, Commission agents found that the area exceeding the public limit was accessible to the general public exiting from the Post Office and did not have RFR warning signs posted. The overall lack of controlled access to the area and the unmarked and unrestricted access observed by the Commission agents at the time of inspection made areas inside the broken chain, including the area found to exceed the limits, publicly accessible and thus held to the Commission’s public MPE limits. We find that the licensees did not restrict public access to areas where RFR exceeded the public MPE limits.

14. Given that the area found to exceed the public limits was unrestricted, unmarked, in very close proximity to a United States Post Office, and in the general vicinity of the Mt. Wilson Observatory and Park, all licensees found producing power density levels significantly greater than 5% of the FCC's public limits for its particular transmitter in this area share responsibility to ensure compliance with the limits. Based on the RFR measurements conducted on July 11 and 12, 2002, by the FCC agents, we find that the operation of stations KBIG-FM, KKBT, KRTH-FM, and KWHY-TV each produced significantly more than 5% of its particular MPE limit in an accessible area that exceeded the public MPE limits. Specifically, KBIG-FM contributed 81.75%, KKBT produced 11%, KRTH-FM produced 11.75%, and KWHY-TV produced 10.5% of the applicable limits in this area.

15. Based on the evidence, we find that each of the captioned licensees willfully and repeatedly violated Section 1.1310 of the Rules on July 11 and 12, 2002 by producing significantly in excess of 5% of the RFR MPE limit for its particular transmitter in a publicly accessible area found to exceed the public RFR MPE limits and by failing to adequately take measures to prevent the public from accessing areas that exceeded the RFR exposure limits. We also find that the four licensees violated our rules by failing to file any Environmental Assessment statements with the Commission although each was

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<sup>22</sup> 47 C.F.R. § 1.1307(b)(3)

<sup>23</sup> 47 C.F.R. §§ 1.1307(b)(1), 1.1307(b)(5), 1.1310. Additional guidance is provided in OET Bulletin 65.

required to do so by September 1, 2000.<sup>24</sup>

16. *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines ("Forfeiture Policy Statement")*<sup>25</sup> does not specify a base forfeiture for violation of the RFR maximum permissible exposure limits in Section 1.1310.<sup>26</sup> However, we recently determined that an appropriate base forfeiture amount for violation of the RFR MPE limits is \$10,000, noting the public safety nature of the rules.<sup>27</sup>

17. We propose the \$10,000 base forfeiture amount to each station that produced power density levels significantly over the 5% threshold. In this case, each of the four identified stations apparently failed to comply with Section 1.1310 of the Rules, failed to take measures to adequately prevent the public from accessing areas that exceeded the RFR exposure limits, and produced power density levels significantly more than 5% to the RFR exposure level exceeding the public MPE limits. Consequently, it is appropriate to hold each station apparently liable for a \$10,000 forfeiture.

18. In assessing the proposed monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Act,<sup>28</sup> which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require. For each of the four stations, we believe that the seriousness of the safety violation warrants the proposed forfeiture amount of \$10,000 each. Accordingly, applying the *Forfeiture Policy Statement* and statutory factors to the instant case, we conclude that AMFM, licensee of station KBIG-FM, Radio One, licensee of FM station KKBT, Infinity, licensee of station KRTH-FM, and Telemundo, licensee of station KWHY-TV, are each apparently liable for a \$10,000 forfeiture for a total combined apparent liability for forfeiture in the amount of \$40,000.

19. On September 3, 2003, a field agent conducted an inspection of the Mt. Wilson site and found that the stations subsequently installed additional fencing and warning signs. However, the field agent discovered that a gate leading to one of the entrances to the site was standing open. Thus, although the stations have installed additional fencing and warning signs, they failed to exercise due diligence in restricting access to areas that exceeded the public MPE limits. Accordingly, AMFM, Radio One, Infinity, and Telemundo are each hereby directed to file, within 30 days of the release of this *NAL*, sworn statements describing their plans to ensure that the fences surrounding the area are shut and that the gates are locked. The statements must be filed either with their responses to this *NAL*, or separately if they do not respond (e.g., if they pay the proposed forfeitures).

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<sup>24</sup> 47 C.F.R. § 1.1307(b)(5).

<sup>25</sup> *Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087 (1997), *recon denied*, 15 FCC Rcd 303 (1999).

<sup>26</sup> The fact that the *Forfeiture Policy Statement* does not specify a base amount does not indicate that no forfeiture should be imposed. The *Forfeiture Policy Statement* states that "... any omission of a specific rule violation from the ... [forfeiture guidelines] ... should not signal that the Commission considers any unlisted violation as nonexistent or unimportant. *Forfeiture Policy Statement*, 12 FCC Rcd at 17099. The Commission retains the discretion, moreover, to depart from the *Forfeiture Policy Statement* and issue forfeitures on a case-by-case basis, under its general forfeiture authority contained in Section 503 of the Act. *Id.*

<sup>27</sup> *A-O Broadcasting Corporation*, 17 FCC Rcd 24184 (2002).

<sup>28</sup> 47 U.S.C. § 503(b)(2)(D).

#### IV. Ordering Clauses

20. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act, and Sections 0.111, 0.311, and 1.80 of the Rules,<sup>29</sup> AMFM Radio Licenses, L.L.C., licensee of station KBIG-FM IS hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willfully and repeatedly violating Section 1.1310 of the Rules.

21. IT IS FURTHER ORDERED THAT, pursuant to Section 503(b) of the Act and Sections 0.111, 0.311, and 1.80 of the Rules, Radio One Licenses, LLC, licensee of FM station KKBT IS hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willfully and repeatedly violating Section 1.1310 of the Rules.

22. IT IS FURTHER ORDERED THAT, pursuant to Section 503(b) of the Act, and Sections 0.111, 0.311, and 1.80 of the Rules, Infinity Broadcasting Operations, Inc., licensee of station KRTH-FM, IS hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willfully and repeatedly violating Section 1.1310 of the Rules.

23. IT IS FURTHER ORDERED THAT, pursuant to Section 503(b) of the Act, and Sections 0.111, 0.311, and 1.80 of the Rules, Telemundo of Los Angeles License Corporation, licensee of station KWHY-TV, IS hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willfully and repeatedly violating Section 1.1310 of the Rules.

24. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the FCC's Rules, within thirty days of the release date of this NOTICE OF APPARENT LIABILITY, AMFM Radio Licenses, L.L.C., Radio One Licenses, LLC, Infinity Broadcasting Operations, Inc., and Telemundo of Los Angeles License Corporation, SHALL EACH PAY the full amount of the individually proposed forfeitures or SHALL EACH FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

25. IT IS FURTHER ORDERED THAT, within 30 days of the release of this *Notice of Apparently Liability for Forfeiture*, AMFM Radio Licenses, L.L.C., Radio One Licenses, LLC, Infinity Broadcasting Operations, Inc., and Telemundo of Los Angeles License Corporation, SHALL EACH FILE a sworn statement in accordance with paragraph 19 above.

26. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment must include the appropriate FCC Registration Number (FRN) and the NAL/Acct. No. referenced in the caption.

27. The response, if any, and the statements referenced in paragraph 19 above, must be mailed to the Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division, 445 12th Street, S.W., Washington, D.C. 20554, and must include the appropriate NAL/Acct. No. referenced in the caption.

28. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

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<sup>29</sup> 47 C.F.R. §§ 0.111, 0.311 and 1.80.

29. Requests for payment of the full amount of this *Notice of Apparent Liability* under an installment plan should be sent to: Chief, Revenue and Receivable Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>30</sup>

30. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Spectrum Enforcement Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC's Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this *Notice of Apparent Liability*. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

31. IT IS FURTHER ORDERED THAT a copy of this NOTICE OF APPARENT LIABILITY shall be sent by First Class and Certified Mail, Return Receipt Requested, to AMFM Radio Licenses, L.L.C., 2625 S. Memorial Drive, Suite A, Tulsa, OK 74129; Radio One Licenses, LLC, 5900 Princess Garden Parkway, 8th Floor, Lanham, MD 20706; Infinity Broadcasting Operations, Inc., 2000 K Street, NW, Suite 725, Washington, DC 20006; and Telemundo of Los Angeles License Corporation, 2290 West Eight Avenue, Hialeah, FL 33010.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>30</sup> See 47 C.F.R. § 1.1914.

October 2002

**FCC List of Small Entities**

As described below, a “small entity” may be a small organization, a small governmental jurisdiction, or a small business.

<b>(1) Small Organization</b>	
Any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.	
<b>(2) Small Governmental Jurisdiction</b>	
Governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.	
<b>(3) Small Business</b>	
Any business concern that is independently owned and operated and is not dominant in its field, <i>and</i> meets the pertinent size criterion described below.	
<b>Industry Type</b>	<b>Description of Small Business Size Standards</b>
<b><i>Cable Services or Systems</i></b>	
Cable Systems	Special Size Standard – <b>Small Cable Company</b> has 400,000 Subscribers Nationwide or Fewer
Cable and Other Program Distribution	\$12.5 Million in Annual Receipts or Less
Open Video Systems	
<b><i>Common Carrier Services and Related Entities</i></b>	
Wireline Carriers and Service providers	1,500 Employees or Fewer
Local Exchange Carriers, Competitive Access Providers, Interexchange Carriers, Operator Service Providers, Payphone Providers, and Resellers	
<p><b>Note:</b> With the exception of Cable Systems, all size standards are expressed in either millions of dollars or number of employees and are generally the average annual receipts or the average employment of a firm. Directions for calculating average annual receipts and average employment of a firm can be found in 13 C.F.R. §121.104 and 13 C.F.R. § 121.106, respectively.</p>	
<b><i>International Services</i></b>	
International Broadcast Stations	\$12.5 Million in Annual Receipts or Less
International Public Fixed Radio (Public and Control Stations)	
Fixed Satellite Transmit/Receive Earth Stations	
Fixed Satellite Very Small Aperture	

Terminal Systems	
Mobile Satellite Earth Stations	
Radio Determination Satellite Earth Stations	
Geostationary Space Stations	
Non-Geostationary Space Stations	
Direct Broadcast Satellites	
Home Satellite Dish Service	
<b><i>Mass Media Services</i></b>	
Television Services	
Low Power Television Services and Television Translator Stations	\$12 Million in Annual Receipts or Less
TV Auxiliary, Special Broadcast and Other Program Distribution Services	
Radio Services	
Radio Auxiliary, Special Broadcast and Other Program Distribution Services	\$6 Million in Annual Receipts or Less
Multipoint Distribution Service	Auction Special Size Standard – <b>Small Business</b> is less than \$40M in annual gross revenues for three preceding years
<b><i>Wireless and Commercial Mobile Services</i></b>	
Cellular Licensees	
220 MHz Radio Service – Phase I Licensees	1,500 Employees or Fewer
220 MHz Radio Service – Phase II Licensees	Auction special size standard - <b>Small Business</b> is average gross revenues of \$15M or less for the preceding three years (includes affiliates and controlling principals)
700 MHz Guard Band Licensees	<b>Very Small Business</b> is average gross revenues of \$3M or less for the preceding three years (includes affiliates and controlling principals)
Private and Common Carrier Paging	
Broadband Personal Communications Services (Blocks A, B, D, and E)	1,500 Employees or Fewer
Broadband Personal Communications Services (Block C)	Auction special size standard - <b>Small Business</b> is \$40M or less in annual gross revenues for three previous calendar years
Broadband Personal Communications Services (Block F)	<b>Very Small Business</b> is average gross revenues of \$15M or less for the preceding three calendar years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Narrowband Personal Communications Services	
Rural Radiotelephone Service	1,500 Employees or Fewer
Air-Ground Radiotelephone Service	
800 MHz Specialized Mobile Radio	Auction special size standard - <b>Small Business</b> is \$15M or less average annual gross revenues for three preceding calendar years
900 MHz Specialized Mobile Radio	
Private Land Mobile Radio	1,500 Employees or Fewer
Amateur Radio Service	N/A
Aviation and Marine Radio Service	
Fixed Microwave Services	1,500 Employees or Fewer
	<b>Small Business</b> is 1,500 employees or less

Public Safety Radio Services	<b>Small Government Entities</b> has population of less than 50,000 persons
Wireless Telephony and Paging and Messaging	1,500 Employees or Fewer
Personal Radio Services	N/A
Offshore Radiotelephone Service	1,500 Employees or Fewer
Wireless Communications Services	<b>Small Business</b> is \$40M or less average annual gross revenues for three preceding years <b>Very Small Business</b> is average gross revenues of \$15M or less for the preceding three years
39 GHz Service	
Multipoint Distribution Service	Auction special size standard (1996) – <b>Small Business</b> is \$40M or less average annual gross revenues for three preceding calendar years Prior to Auction – <b>Small Business</b> has annual revenue of \$12.5M or less
Multichannel Multipoint Distribution Service	\$12.5 Million in Annual Receipts or Less
Instructional Television Fixed Service	
Local Multipoint Distribution Service	Auction special size standard (1998) – <b>Small Business</b> is \$40M or less average annual gross revenues for three preceding years <b>Very Small Business</b> is average gross revenues of \$15M or less for the preceding three years
218-219 MHZ Service	First Auction special size standard (1994) – <b>Small Business</b> is an entity that, together with its affiliates, has no more than a \$6M net worth and, after federal income taxes (excluding carryover losses) has no more than \$2M in annual profits each year for the previous two years New Standard – <b>Small Business</b> is average gross revenues of \$15M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates) <b>Very Small Business</b> is average gross revenues of \$3M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
Satellite Master Antenna Television Systems	\$12.5 Million in Annual Receipts or Less
24 GHz – Incumbent Licensees	1,500 Employees or Fewer
24 GHz – Future Licensees	<b>Small Business</b> is average gross revenues of \$15M or less for the preceding three years (includes affiliates and persons or entities that hold interest in such entity and their affiliates) <b>Very Small Business</b> is average gross revenues of \$3M or less for the preceding three

	years (includes affiliates and persons or entities that hold interest in such entity and their affiliates)
<b><i>Miscellaneous</i></b>	
On-Line Information Services	\$18 Million in Annual Receipts or Less
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturers	750 Employees or Fewer
Audio and Video Equipment Manufacturers	
Telephone Apparatus Manufacturers (Except Cellular)	1,000 Employees or Fewer
Medical Implant Device Manufacturers	500 Employees or Fewer
Hospitals	\$29 Million in Annual Receipts or Less
Nursing Homes	\$11.5 Million in Annual Receipts or Less
Hotels and Motels	\$6 Million in Annual Receipts or Less
Tower Owners	(See Lessee's Type of Business)