

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

In the Matter of)	
)	File No.: EB-FIELDWR-22-00033444
Thomas Barnes)	NAL/Acct No.: 202332030001
La Grande, Oregon)	FRN: 0033398041
)	

FORFEITURE ORDER

Adopted: October 12, 2023

Released: October 13, 2023

By the Commission:

1. We impose a penalty of \$80,000 against Thomas Barnes (Barnes) for operating an unauthorized radio station on 100.5 MHz in La Grande, Oregon. Barnes engaged in the longstanding illicit operation of an unauthorized radio station known as Eastern Oregon Pirate Radio. Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act).¹ Pirate radio stations undermine the Commission’s primary mission to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather and other dangers to the public. Accordingly, Commission enforcement action in this area is essential.

2. On March 15, 2023, the Commission issued a Notice of Apparent Liability for Forfeiture proposing an \$80,000 forfeiture against Barnes for a willful and knowing violation of section 511 the Act by engaging in pirate radio broadcasting.² Barnes has not filed a response to the *NAL*. We incorporate by reference herein, affirm, and adopt as final all of our tentative findings of fact and conclusions of law set forth in the *NAL* and affirm the forfeiture proposed in the *NAL*.³

3. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Communications Act of 1934, as amended, 47 U.S.C. § 511, and section 1.80 of the Commission’s rules, 47 CFR § 1.80, Thomas Barnes is **LIABLE FOR A MONETARY FORFEITURE** in the amount of eighty thousand dollars (\$80,000) for willfully and knowingly violating section 511 of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission’s rules, 47 CFR § 1.80 within thirty (30) calendar days after the release of this Forfeiture Order. Barnes shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at field@fcc.gov on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S.

¹ 47 U.S.C. § 511.

² The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. See *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture, FCC 23-16, 2023 WL 2560016, (Mar. 15, 2023)(*NAL*); 47 U.S.C. § 511.

³ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act, 47 CFR § 504(a).

5. In order for Thomas Barnes to pay the proposed forfeiture, Thomas Barnes shall notify the Office of the Field Director at field@fcc.gov of its intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁴

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF." In addition, a completed Form 159⁵ or printed CORES form⁶ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁷ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

⁴ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

⁵ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁶ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁷ Instructions for completing the form may be obtained <http://www.fcc.gov/Forms/Form159/159.pdf>.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Thomas Barnes at 2302 Jefferson Avenue, La Grande, Oregon 97850.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary