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FCC Enforcement Monitor September 2026

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HEADLINES

Pillsbury's communications lawyers have published the FCC Enforcement Monitor monthly since 1999 to inform our clients of notable FCC enforcement actions against FCC license holders and others. This month's issue includes:

- *Numerous Rule Violations Lead to Consent Decree and Sale for Kentucky FM Stations*
- *Notice of Violation Issued to Michigan FM Translator Licensee for Excess Transmitter Power and Using Wrong Antenna*
- *Texas Tower Owner's Extended Lighting Outage Generates Notice of Violation*

Kentucky Broadcaster Enters Consent Decree Requiring Sale of Stations Over Late License Renewals, Unauthorized Operations and Public File Violations

The FCC's Media Bureau entered into a Consent Decree with the licensee of four FM radio stations in Kentucky to resolve an investigation into numerous rule violations involving late-filed license renewal applications, periods of silence, reduced-power operations without FCC authorization, Public Inspection File violations, and inaccurate certifications in the stations' license renewal applications.

The investigation began during the Media Bureau's review of the stations' license renewal applications. Section 73.3539(a) of the FCC's Rules requires broadcast license renewal applications to be filed no later than the first day of the fourth full calendar month before expiration of the station's license. The four stations' applications were due April 1, 2020, but were not filed until May 1, 2020. The FCC subsequently received information alleging that the stations had been off the air for an extended period and an Informal Objection to license renewal for one of the stations raising additional questions about that station's operations and Public Inspection File.

The investigation uncovered numerous operational violations. Section 73.1740(a)(4) of the FCC's Rules requires a licensee to notify the FCC when an FM station remains silent for more than 10 consecutive days and to request Special Temporary Authority (STA) to remain silent if it cannot resume operation within 30 days. Similarly, Section 73.1560(d) requires notification when a station operates at reduced power for more than 10 days and an STA if full-power operations are not restored within 30 days. In the Consent Decree, the licensee admitted that all four stations were off the air for more than 30 days in 2021 without obtaining STAs and that one station also operated at reduced power for more than 30 days without an STA.

The licensee also admitted that Quarterly Issues/Programs Lists required by Section 73.3526(e)(12) of the FCC's Rules were missing or uploaded late to the stations' online Public Inspection Files, and that a local programming and marketing agreement involving three stations was missing from those stations' Public Inspection Files. The existence of those violations also meant that the licensee's certifications in its license renewal applications that it had complied with the Public File rule and the FCC's minimum operating schedule requirements were not accurate. Section 1.17(a)(2) of the FCC's Rules prohibits submitting material factual information to the FCC that is incorrect or misleading without a reasonable basis for believing it to be accurate. The licensee subsequently uploaded most of the missing documents and amended the license renewal applications to correct its certifications.

To resolve the investigation, the licensee agreed to implement a three-year compliance plan requiring, among other things, appointment of a compliance officer, drafting a training manual with written operating procedures for employees, conducting annual employee training, reporting future violations to the FCC within ten business days of discovery, and filing annual compliance reports with the FCC.

The Media Bureau noted that while Consent Decrees often require payment of a monetary penalty to the government, it did not impose one here because the licensee had demonstrated it lacks the ability to pay such a penalty.

In adopting the Consent Decree, the Media Bureau indicated that the violations would normally warrant a short-term license renewal (typically a one to three-year license term rather than the standard eight-year term), but stated that since the stations were being sold to a new licensee, it would grant the standard license renewal term, but condition the renewal grants on completion of that sale. The purchaser must abide by the terms of the Consent Decree. The Media Bureau indicated it would grant the stations' license renewal and assignment applications in a separate order.

Unauthorized Antennas and Excessive Transmitter Power Lead to Notice of Violation for Michigan FM Translator

The FCC's Enforcement Bureau issued a Notice of Violation (NOV) to the licensee of a Michigan FM translator station for operating with an unauthorized antenna system at nearly four times its licensed transmitter power. According to the NOV, an FCC field agent inspected the station in July 2026 in response to a complaint and identified both violations.

Section 74.1251(b)(2) of the FCC's Rules requires FM translator licensees to file an application on FCC Form 349 before changing a station's transmitting antenna system. The translator was authorized to operate with an antenna oriented to two specified azimuths. During the inspection, however, the agent found that the station was using a three-antenna array oriented to entirely different azimuths. The Enforcement Bureau concluded that the array did not maintain the station's authorized antenna pattern and that the licensee had not filed the required application seeking approval to change its antenna system.

The agent also found that the translator was operating well above its authorized transmitter power. Section 74.1235(e) of the FCC's Rules provides that an FM translator's transmitter power output may not exceed 105 percent of its authorized level. The station was authorized for a transmitter power output of 38 watts, but the FCC measured it operating at 150 watts, or 394 percent of its authorized transmitter power.

The NOV requires the licensee to submit a written response within 20 days fully explaining each alleged violation and all relevant surrounding facts and circumstances, including the specific actions taken to correct the violations and prevent them from recurring. The response must include a timeline for completing any corrective actions and be supported by an affidavit or declaration from an authorized officer of the licensee with personal knowledge of the facts. While the NOV does not itself impose a fine, the FCC may take additional enforcement action after reviewing the licensee's response, including issuing a Notice of Apparent Liability for Forfeiture.

Unrepaired Tower Beacon Leads to FCC Notice of Violation for Texas Tower Owner

The FCC's Enforcement Bureau issued a Notice of Violation to the owner of a Texas tower for failing to repair a required obstruction light. According to the NOV, an agent from the FCC's Dallas field office determined through research and other investigative methods that the tower's top beacon had remained extinguished for an extended period of time.

Section 17.23 of the FCC's Rules requires towers to be painted and lit in accordance with their tower registrations. The registration for the Texas tower required it to display a red beacon at the top and two steady-burning red side marker lights at its midpoint. Sections 17.6(a) and 17.56 require tower owners to maintain the specified tower lighting and complete any repairs as soon as practicable.

A representative of the tower owner confirmed to the FCC agent on July 3, 2025 that the top beacon was not functioning and was awaiting repair. The agent reminded the representative that the light must be repaired as soon as practicable. Despite the warning, in emails sent in December 2025 and January, March, and May of 2026, the representative confirmed to the agent that the beacon had still not been repaired and remained extinguished. The beacon therefore remained dark for more than ten months after the tower owner first acknowledged the outage.

In response, the Enforcement Bureau issued the NOV to the tower owner. It requires that a written response be submitted to the FCC within 20 days fully explaining each violation and all relevant surrounding facts and circumstances, including the specific actions taken to correct the violations and prevent future incidents. The response must include a timeline for completing repairs and be supported by an affidavit or declaration from an authorized officer of the tower owner with personal knowledge of the facts. Upon receipt of the response, the Enforcement Bureau will determine whether further actions, such as issuance of a fine, are appropriate.