ADVISORY

FCC Enforcement Monitor May 2025

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TAKEAWAYS

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:

- *Public File Violations Lead to Spate of FCC Consent Decrees*
- *California Tower Owner Cited for Multiple Violations*
- *Montana TV Translators Miss License Renewal Deadline*

Public File Violations Lead to Consent Decrees with Multiple California Licensees

In a flurry of Consent Decrees, the FCC resolved investigations into Public Inspection File violations by three California television licensees. Two of the Consent Decrees impose $32,500 civil penalties for willfully and repeatedly violating the FCC's rules by failing to timely upload to the Public Inspection File required Quarterly Issues/Programs Lists and children's commercial limits certifications. The third licensee agreed to pay a $42,500 civil penalty for the same violations, as well as for the late filing of a license to cover application and the resulting unauthorized operation.

In each instance, while processing license renewal applications, the FCC's Media Bureau noted that the applicant had been unable to certify that all required documentation had been uploaded to the station's Public Inspection File when required during the license term. Each station disclosed that it had been late in uploading Quarterly Issues/Programs Lists and children's commercial limits certifications to its Public Inspection File, asserting "administrative oversight and/or employee turnover."

Section 73.3526(e)(11)(i) of the FCC's Rules requires that every full power commercial television station place in its Public Inspection File "a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period." Section 73.3526(e)(11)(ii) of the FCC's Rules requires that every full power commercial television station place in its Public Inspection File "records sufficient to permit substantiation of the station's certification, in its license renewal application, of compliance with the commercial limits on children's programming...."

Each Consent Decree details the respective station's failure to timely upload multiple Issues/Programs Lists and commercial limits certifications. The first station uploaded 26 Issues/Programs lists late and 21 children's commercial limits certifications late. The second station uploaded 31 Issues/Programs Lists late and 23 children's commercial limits certifications late. The third station uploaded 27 Issues/Programs lists late and 20 children's commercial limits certifications late. Each station had several such Lists and certifications that were uploaded over a year late. As of the date each Consent Decree was adopted, the respective station had uploaded all required documents to its Public Inspection File.

With regard to the third station, in addition to the late Quarterly Issues/Program Lists and children's commercial limits certifications, it had failed to timely file a license to cover application. In June 2021, the FCC granted the station a construction permit to modify the station's facilities to increase power. The construction permit had an expiration date of June 2024. Despite timely completing construction of the new facilities around October 2021, the licensee did not file a license application for the new facilities until March 2025. Sections 73.3536 and 73.3598(a) of the FCC's Rules require that a license application be filed promptly upon completion of construction.

To bring the investigations to a close, each licensee entered into a Consent Decree with the FCC in which it admitted the violations and agreed to pay a civil penalty. Each licensee also agreed to implement a Compliance Plan, including appointing a Compliance Officer, creating a Compliance Manual, implementing a Compliance Training Program for its employees, committing to notify the FCC of any future violations of either the FCC's Rules or the Consent Decree, and to submit two years of annual compliance reports to the FCC.

Should the Media Bureau not be satisfied that the licensee has complied with its obligations under its Consent Decree, the Bureau can unilaterally extend the reporting period for another two years. In adopting the Consent Decree, the Media Bureau agreed to grant the stations' license renewal applications conditioned upon payment by each of its civil penalty.

FCC Issues Notice of Violation to California Broadcast Tower Owner for Lighting Outage and Other Rule Violations

After a complaint regarding tower lighting, the FCC issued a Notice of Violation (NOV) to the owner of a California broadcast tower. In the NOV, the FCC's Enforcement Bureau noted that a field agent from its San Francisco office had inspected the tower site and found multiple rule violations.

Among the regulations cited in the NOV was Section 17.4(b) of the FCC's Rules, which requires that owners of antenna structures file FCC Form 854 containing a valid telephone number and e-mail address for the owner. A week prior to the inspection, the field agent called the telephone number listed in the Antenna Structure Registration (ASR) database for the tower but was unable to reach anyone. In a subsequent February 2025 e-mail and telephone exchange on the day of the inspection, the agent was able to connect with a representative of the tower owner who informed him that the contact information listed in the ASR database and on the Form 854 previously submitted was not correct.

Section 17.48(a) of the FCC's Rules requires that the owner of any antenna structure registered with the Commission and assigned lighting requirements immediately report a lighting outage that is not corrected within 30 minutes to the Federal Aviation Administration (FAA) so that the FAA can issue a Notice to Airmen (NOTAM) warning of the danger. If the lighting outage cannot be repaired during the period the NOTAM is in effect, the tower owner must again notify the FAA and provide a return-to-service date so that a further NOTAM can be issued. This process must be repeated until the tower lighting is repaired.

A tower representative told the FCC agent that although the FAA was notified in January 2024 of the outage and two NOTAMs subsequently issued, the second NOTAM—which expired in December 2024—had not been extended because the tower owner failed to notify the FAA that the tower lighting had still not been restored.

Making the situation worse, a representative of the tower owner later informed the field agent during an April *2025* telephone call that the lighting on the tower had still not been repaired. Section 17.56 of the FCC's Rules requires tower lights to be replaced or repaired "as soon as practicable."

The NOV requests additional information from the tower owner concerning the asserted violations. It instructs the owner to submit within 20 days a written response fully explaining each alleged violation and all relevant surrounding facts and circumstances, including the specific actions taken to correct any violations and prevent recurrence. The NOV also requires the owner to submit a timeline for completing any corrective actions and to support its response with an affidavit or declaration from an authorized officer of the company that owns the tower. Though the NOV itself carries no monetary penalty, the FCC can take additional action after reviewing the owner's response, including issuing a Notice of Apparent Liability for Forfeiture.

Montana TV Translator Licensee Enters Consent Decree Over Late License Renewal Applications

A Montana television district, licensee of three television translator stations, failed to timely file license renewal applications for its stations. Television districts are administrative bodies commonly established to own and maintain TV translator stations serving sparsely populated areas unable to otherwise receive free, over-the-air TV signals.

In this case, the TV district serves a small community of under 800 people who do not receive service from any full power TV stations. The TV district uses the translators to rebroadcast programming from ABC, CBS, and NBC affiliates in order to provide essential programming to the community, including weather information and emergency alerts. The TV district is funded by tax assessments on the local community and is overseen by a board of directors that reports to the county commissioners.

Section 73.3539(a) of the FCC's Rules requires that license renewal applications for broadcast stations must be filed no later than "the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed." In this case, the applications for license renewal were due by December 1, 2021. On January 13, 2022, after the deadline had passed with no filings, the FCC sent a letter to the TV district notifying it that if license renewal applications were not filed by April 1, 2022, the translators' licenses would be cancelled. When no applications arrived at the FCC, it issued a Public Notice thirty days before the April 1 deadline declaring that the licenses would expire on April 1, 2022 unless license renewal applications were submitted by midnight on that date. The TV district did not file license renewal applications by that date, and the licenses expired and were consequently cancelled on April 5, 2022.

The TV district responded by filing Petitions for Reconsideration asking the FCC to reinstate the stations' licenses, citing the death of the person responsible for filing license renewal applications as the reason for the failure to file. It added that it had not received the warning letter due to outdated contact information at the FCC that it had failed to update, but which it subsequently corrected. The FCC granted reconsideration on March 25, 2025, and subsequently granted special temporary authority on April 21, 2025 to permit the translator stations to resume operations while the FCC reviews their license renewal applications.

To conclude the FCC's investigation of both the stations' failure to timely file license renewal applications and their operation without authorization following expiration of their licenses, the TV district agreed to enter into a Consent Decree with the Commission. In the Consent Decree, the FCC noted that since the TV district is funded by local residents' taxes, a civil penalty could impair the district's ability to continue operating the stations and provide essential programming to the community.

Under the terms of the Consent Decree, the TV district must appoint a Compliance Officer, implement a Compliance Plan "designed to ensure its future compliance with the TV Translator Rules and that it maintains accurate contact information" with the FCC, and establish a Compliance Training Program. It must also submit semi-annual compliance declarations to the Commission certifying compliance with the terms of the Consent Decree and adherence to the FCC's rules for TV translators until grant of the stations' next license renewal applications.

The current license renewal applications were placed on Public Notice, with the FCC indicating that if no petitions or objections are filed against them during the petition to deny period and no other facts emerge precluding grant, it will grant the applications.