

FCC Enforcement Monitor

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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:

- *Texas FM Translator Licensee Agrees to \$50,000 Consent Decree for Multiple Rule Violations*
- *Public File Violations Result in \$41,000 Consent Decree for Pennsylvania Television Station*
- *Illinois AM Station Receives Notice of Violation for Tower Registration and Lighting Failures*

Violations Yield \$50,000 Consent Decree for Texas FM Translator Licensee

The FCC's Media Bureau entered into a Consent Decree with the licensee of two Texas FM translator stations to resolve an investigation into numerous violations of the Commission's rules governing FM translator operations, station ownership, use of unauthorized equipment, and the failure to seek Special Temporary Authority (STA) to remain silent for more than 30 days.

FM translators are a secondary broadcast service intended primarily to retransmit the signal of an authorized AM, FM, or LPFM station. Except in limited circumstances, FM translators may not originate their own programming and must notify the FCC when changing the primary station they rebroadcast.

According to the Consent Decree, the FCC's investigation arose from multiple objections and petitions filed against various applications involving the stations. In 2022, the Media Bureau issued a Letter of Inquiry to the current and former licensees requesting information regarding their ownership structures, primary stations being rebroadcast, periods of silence, whether the stations originated programming, and interference complaints. The investigation ultimately uncovered a wide range of compliance issues.

Among other things, the licensee admitted that it rebroadcast unauthorized primary stations without providing required FCC notification, originated programming on both translator stations, operated with unauthorized equipment when it used a non-directional antenna rather than the authorized directional antenna, failed to notify the FCC when each of the stations went silent for more than ten days, and failed to obtain an STA from the FCC during extended periods in which the stations were silent or operating at reduced power for more than 30 days.

The investigation also examined ownership and control issues. According to the Consent Decree, the current licensee exercised *de facto* control over the stations for two months before receiving FCC approval to acquire the licenses. Also, by exercising control over the stations, the licensee ran afoul of the foreign ownership limits of the Communications Act of 1934, as the majority owner was a Mexican citizen that did not become a U.S. citizen until over two years later.

To resolve the matter, the current licensee entered into a Consent Decree with the Media Bureau in which it agreed to make a \$50,000 voluntary contribution to the U.S. Treasury and implement a three-year compliance plan. Under the compliance plan, it must designate a compliance officer, adopt written operating procedures, create and distribute a compliance manual, conduct employee training, maintain technical records, including its receipt of interference-related complaints, promptly report future violations, and submit periodic compliance reports to the FCC for the next three years.

In return, the Media Bureau agreed to terminate its investigation and grant the stations' pending applications, including their license renewal applications. While the Media Bureau concluded that the Consent Decree adequately addressed the violations and agreed to terminate the investigation as a result, it noted that it would grant the applications only so long as (1) payment of the \$50,000 voluntary contribution is "fully and timely satisfied" and (2) no other issues arise precluding grant of the applications.

Public File Violations and False License Renewal Certification Lead to \$41,000 Consent Decree for Pennsylvania TV Station

The Video Division of the FCC's Media Bureau entered into a Consent Decree with the licensee of a Pennsylvania television station to resolve an investigation into the station's failure to timely upload documents to its Public Inspection File while falsely certifying in its license renewal application that it did so.

Section 73.3526(e)(11)(i) of the FCC's Rules requires full power and Class A television stations to timely upload to their Public Inspection File on a quarterly basis an Issues/Programs List describing "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 such stations place in their 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..." Finally, Section 73.3526(e)(11)(iii) of the FCC's Rules requires the timely upload of Children's Television Programming Reports to the Public Inspection File.

In March 2023, the licensee filed its license renewal application and certified that all required Public Inspection File documents had been uploaded when required. During review of the application, however, FCC staff determined that numerous required filings were either missing or had been uploaded late to the Public Inspection File. After the Media Bureau notified the licensee of these deficiencies, the licensee amended its license renewal application, changing its certification regarding timely Public Inspection File compliance from "Yes" to "No" and disclosing the late filings. According to the Consent Decree, FCC staff had identified 12 Issues/Programs Lists, 14 commercial limits certifications, and 11 Children's Television Programming Reports that were either missing or uploaded late.

The Media Bureau concluded that the licensee failed to accurately respond to the license renewal application certification regarding Public Inspection File rule compliance. While the Bureau found no evidence that the inaccurate certification was submitted with an intent to mislead the Commission, it emphasized that merely claiming a false certification was the result of an administrative oversight cannot excuse the violation.

To resolve the matter, the licensee entered into a Consent Decree in which it agreed to make a \$41,000 voluntary contribution to the U.S. Treasury. In return, the Media Bureau agreed to grant the station's license renewal application conditioned upon timely payment of the \$41,000.

FCC Issues Notice of Violation for Unlit and Unregistered Illinois Broadcast Tower

The FCC's Enforcement Bureau issued a Notice of Violation (NOV) to the licensee of an Illinois AM radio station and the purported owner of the station's tower for multiple tower-related rule violations. The NOV states that an agent from the FCC's Columbia field office inspected the tower over two days in February 2026 and identified violations involving the tower's lighting, paint, and registration with the Commission. The AM radio station licensee told the FCC that it leased the tower from another company, but according to Illinois state records, that company was dissolved more than two years earlier. To ensure the claimed rule violations are promptly addressed, the NOV was issued to both the AM station licensee and the now-dissolved tower company.

According to the NOV, the station's license required the tower to be painted and equipped with nighttime red obstruction lighting consisting of a top-level beacon and two steady burning lights mounted at the one-third and two-thirds levels of the overall height of the tower. During the inspection, however, the FCC agent observed that all of the required obstruction lighting was extinguished. In a daytime inspection, the agent also determined that the tower's paint had significantly deteriorated, with extensive flaking that exposed the metal beneath. The NOV states that the station licensee later acknowledged to the FCC that the tower had never been equipped with lighting and he was aware of the poor condition of the tower paint.

The NOV also states that the tower should have been registered with the FCC but was not. According to the FCC, measurements taken during the inspection showed that because of the tower's proximity to a nearby airport, it constituted an obstruction requiring registration with the Commission even though it is shorter than the 200-foot threshold that normally triggers a registration requirement. As a result, the FCC concluded that the failure to register the tower violated Section 17.4(a) of the FCC's Rules.

The NOV requires the station licensee and the purported tower owner to submit a written response to the FCC 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 pending corrective actions and be supported by an affidavit or declaration from an authorized representative 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 response, including issuing a fine.