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FCC Enforcement Monitor
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Communications Advisory

FCC Enforcement Monitor

FCC Fines Texas Radio Station \$3,600 for Failure to Respond to Commission Correspondence

The FCC recently fined a Texas radio station that ignored correspondence from the Commission. In September 2004, agents attempted to inspect the Texas station on two separate occasions. On both occasions the agents found the studio locked with the lights off. An agent attempted to call the station several times during September and October of 2004. Each attempted call resulted in the agent leaving a voicemail. The station only responded to one of the four voicemail messages left. In October of 2004, a Letter of Inquiry was sent to the station requesting information on staff presence in the studio. A Return Receipt for the letter was received by Commission and the owner of the station acknowledged through e-mail the receipt of the letter.

In December 2004, the Commission issued a Notice of Violation because the station had failed to respond to the Letter of Inquiry. In January 2005, the Notice of Violation was returned unopened to the Commission's office. The Commission sent another letter to the station, including the Notice of Violation as an enclosure. Because the station failed to respond to this letter, the Commission fined the station \$4,000 for violations of 47 U.S.C. § 308(b). The station requested the ability to pay the fine in installments and submitted an initial payment of \$400. However, the station never submitted the necessary financial documentation and the request for an installment plan was not granted. The Commission determined that the station "willfully and repeatedly" violated the Commission's rules regarding responsiveness to correspondence. Because the station had already submitted a payment of \$400, the Commission issued a fine of \$3,600 for the station's violations.

Commission Fines Private Land Mobile Radio Service Licensee \$6,500 for Failure to Renew

A PLMRS licensee was recently fined \$6,500 for failure to file a renewal application and for operating its station without authority. The licensee was granted a station license that expired in May 2004. The station did not file a timely renewal application. The station indicated that it did not discover that its license had expired until October 2006. The station then ceased operating at the end of that month. The licensee claimed that it did not understand the renewal process and that the vendor responsible for the renewal filed a renewal application for the wrong license. The licensee did admit to the Commission that it had operated from May 2004 to October 2006 without authorization.

The Commission determined that the licensee had violated the Commission's rules regarding authorization and timely renewal. Because these acts constitute separate violations, the Commission fined the licensee \$5,000 for the operation of the station after the expiration of the license and \$1,500 for the licensee's failure to submit a timely renewal application. The Commission refused to adjust the \$6,500 total fine, citing the licensee's failure to immediately notify the Commission of the unauthorized operation.

FCC Issues Several Notices for Spurious Emissions and EAS Violations

A number of recent citations issued by the Commission indicate an increase in citations for violations of 47 C.F.R. § 1.903(a). 47 C.F.R. § 1.903(a) requires that "Stations in the Wireless Radio Service must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provision of this part, except as specified in the Section 1.903(b)." Agents, responding to complaints of interference, used mobile direction finding techniques to detect the sources of the interference.

Additionally, recent citation activity by the Commission indicates an increase in citations for violations of 47 C.F.R. § 11.35(a) and § 11.52(d). 47 C.F.R. § 11.35(a) requires entries in the broadcast station log indicating reasons why tests were not received. 47 C.F.R. § 11.52(d) requires that "EAS participants must monitor two EAS sources." These violations were discovered by agents during inspections.

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