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Communications Broadcast Advisory

FCC Enforcement Monitor

FCC Fines Texas AM Station \$8,800 for Failure to Maintain a Main Studio and Exceeding Licensed Power Levels

The FCC recently fined a station owner \$8,800 for failing to maintain a main studio and operating its station at a power level exceeding that specified in the station's license. In August 2007, an enforcement agent responded to a complaint about the Texas station. The agent took field strength measurements at several different times during the day and night. Those field strength measurements revealed that the signal strength was not reduced at night, as required by the station's authorization. The agent took field strength measurements of the station's signal on two other days with the same results. Section 73.1475(a) of the FCC's Rules requires broadcast stations to operate within the modes and power specified in their license.

Additionally, the agent was not able to locate a main studio for the station. When ultimately contacted by the agent, both the station owner and its engineer verified that the station did not have a permanent main studio and had been operating temporarily out of a hair salon. According to the station owner, the station had been operating in this manner for 60 days.

Later in August 2007, the agent met with the station manager at the hair salon. During this visit, the agent observed that the broadcast equipment was in a back room closet and was not functioning. The manager of the station explained that a computer installed in the transmitter building at the transmitter site provided programming for the station. Section 73.1125(a) of the FCC's Rules requires broadcast stations to maintain "meaningful management and staff presence" at the main studio as well as "continuous program transmission capability." In November 2007, the FCC issued a Notice of Apparent Liability for \$11,000 to the station for violating the FCC's rules. In response, the station argued that it had a long record of compliance with the FCC's rules and had not been subject to any prior enforcement action. As a result, the fine was ultimately reduced to \$8,800.

New York Private Land Mobile Licensee Fined for Operating From an Unauthorized Location With an Antenna Placement Exceeding Authorized Height

The FCC recently fined a licensee \$4,000 for failing to operate in compliance with the antenna location and height specified in its authorization. In February 2007, an agent discovered that the licensee was operating a transmitter at a different location than specified in its authorization. Additionally, the agent discovered that the licensee's transmitting antenna was mounted on the roof at a height about average terrain (HAAT) of 84.7 meters. The licensee was authorized to operate at a HAAT of 36.2 meters.

Section 1.903(a) of the FCC's Rules requires licensees to operate in accordance with a valid FCC authorization. Accordingly, in February 2007, the FCC issued a \$4,000 fine for these violations. The licensee sought a reduction of the fine based on corrective action taken after the agent's inspection. The FCC declined to reduce the fine, holding that corrective action to comply with the FCC's rules is expected and does not mitigate the violation.

FCC Fines Owner of Antenna Structure \$13,000 for Failure to Paint Antenna Structure and Notify the FCC of a Change in Ownership

The owner of a Puerto Rico antenna structure was recently fined \$13,000 for violations of the FCC's Rules regarding antenna structure maintenance and ownership. Section 17.50 of the FCC's Rules requires that antenna structures be painted and cleaned as often as needed to maintain visibility. Agents visited the tower in September 2007 and observed that the paint on the structure had washed away and that the metal was exposed. Following the inspection, the agents consulted the Commission's database and noticed that the ownership information had not been updated. Section 17.57 of the FCC's Rules requires that the owner of an antenna structure immediately notify the FCC of changes in ownership using FCC Form 854.

In November 2007, the FCC issued a Notice of Apparent Liability to the owner of the tower in the amount of \$13,000 for violating the FCC's rules. The FCC denied the owner's request to reduce the amount of the fine, finding that the owner made no efforts to correct the violation prior to the agents' inspection.

FCC Issues Several Notices for Failure to Notify of Change in Ownership of Antenna Structure and Failure to Transmit Assigned Call Sign

As the fine discussed above exemplifies, recent citation activity by the FCC indicates an increase in citations for violations of 47 C.F.R. § 17.57, which requires that the owner of an antenna structure that has an Antenna Structure Registration Number immediately notify the FCC of any change in antenna structure ownership. Citation activity has also increased for violations of 47 C.F.R. § 90.425(a), which requires stations to transmit call sign identification during each transmission or periodically during continuous operation.

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