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FCC Fines Owner of Florida Antenna Structure $3,000 for Failure to Register

The FCC recently fined an antenna structure owner $3,000 for failing to register the antenna structure. In January 2004, an FCC enforcement agent determined that the antenna structure was not registered. In March 2004, the FCC issued a Notice of Apparent Liability in the amount of $3,000 for violating Section 17.4(a) of the Commission's Rules, which establishes the requirements for antenna registration. The owner responded and requested relief on the grounds that he had complied with the rule after being notified by the FCC that the antenna structure was in violation. In December 2004, the Commission released a Forfeiture Order assessing a $3,000 fine and affirming the previous Notice of Apparent Liability.

In January 2005, the owner filed a Petition for Reconsideration. In its petition, the owner stated that the antenna structure had been demolished in September 2004 and the fine should therefore be revoked or reduced. The Commission denied the petition, reasoning that the owner failed to register the antenna for six years and only did so after it was instructed to do so by the Commission in January 2004. The Commission added that the subsequent demolition of the tower did not support a reduction or elimination of the fine.

Commission Fines Florida Licensee $10,000 for Failure to Comply with Radiofrequency Radiation Requirements

A Florida licensee was recently fined $10,000 for violations of the Commission's rules regarding radiofrequency radiation (RFR). Section 1.1310 of the FCC's Rules establishes the occupational/controlled exposure limits as well as the general population/uncontrolled exposure limits for RFR. In January 2004, the licensee submitted an application for a minor modification to its facility. In its application, the licensee claimed to be in compliance with RFR maximum permissible exposure (MPE) limits. In an exhibit to the application, the licensee also confirmed that the transmitter site was marked with warning signs and access to the site was limited in accordance with the FCC's Rules.

In May 2004, FCC agents visited the transmitter site and noted several violations. First, signs at the site did not indicate which areas of the rooftop site exceeded RFR limits for the general population. Additionally, agents found several areas at the site which did not have any RFR warning signs. The agents then measured the RFR and discovered that 75% of the rooftop exceeded the legal limit for the general population. Agents returned to the location in June 2004 to make additional measurements and confirmed the earlier RFR findings. In July 2004, agents visited the site again, accompanied by a station engineer employed by the licensee. Additional measurements were taken, which confirmed that the RFR limits were being exceeded. The agents informed the station engineer that the licensee needed to post warning signs indicating which areas of the transmitter site exceed the legal RFR limits.

In July 2004, agents revisited the site and noted that some additional signs had been added but that certain areas were still in need of warning signs. An August 2004 re-inspection indicated that the licensee had failed to post the additional signs needed. A September 2004 re-inspection by agents found that new signs had been placed in the required areas, but that the signs did not include station contact information so that workers could find out more information about the RFR levels at the site. In November 2004, agents revisited the site at the request of the licensee's chief engineer and discovered that transmitter power had been reduced but that there were still areas of the site that exceeded RFR limits for the general population.

In January 2005, the FCC issued a Notice of Apparent Liability to the licensee in the amount of $25,000 for violating the Commission's Rules relating to RFR levels. The licensee responded by arguing that the amount of the fine should be reduced to $10,000, which was the fine another licensee at the same site received for similar violations. The Commission agreed and reduced the fine accordingly.

Utah Licensee Fined $4,000 for Violating Rule on Broadcasting Telephone Conversations

The FCC recently fined a licensee $4,000 for violating the Commission's rule regarding the broadcast of telephone conversations. In April 2006, the FCC received a complaint about a prank call involving a radio personality employed by the licensee. The complaint alleged that the radio personality broadcast a telephone call with another party without first asking that party's permission to broadcast it. The FCC sent a Letter of Inquiry to the licensee regarding the complaint. In its response, the licensee admitted that the radio personality aired the conversation without first informing the other party that the conversation was going to being recorded and without obtaining the other party's permission to broadcast that recording. The licensee explained that the airing of the telephone conversation was against station policy and that station management had not authorized the call.

Section 73.1206 of the Commission's Rules generally requires that a station notify a party to a telephone call of the station's intent to record and broadcast that call prior to commencing the recording. The basis of the rule is to protect an individual's right to privacy as well as the right of each individual to "preserve their dignity." The Commission fined the licensee $4,000 for violating this rule. The FCC rejected the licensee's argument that the employee involved in the incident violated station policy and that station management had not approved such behavior. The FCC noted that licensees are responsible for the acts of their employees and that licensees are additionally responsible for all material aired over their stations.

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