

---

## FCC Enforcement Monitor

---

### **FCC Fines Florida Low Power FM Radio Licensee \$24,000 for Unlicensed Operations**

The FCC recently fined a low power FM radio station \$24,000 for unlicensed operations. The low power FM radio station is licensed to operate on 93.3 MHz. In response to a complaint that an unlicensed station was operating on 93.5 MHz, Enforcement Bureau agents monitored the frequency but found no station operating on it. The agents continued scanning the FM band and found a station at 92.7 MHz that was re-broadcasting the licensee's low power FM signal. The signal strength of the operation at 92.7 MHz exceeded the limits for unlicensed Part 15 operation. The agents interviewed the station's general manager and president, who admitted that the station was broadcasting without a license. The president explained that because operation on 93.3 MHz was not "heard very well" from the station's new studio location, he began operating on 92.7 MHz in January 2007. The president then voluntarily unplugged the transmitter while Enforcement Bureau agents were present. In October 2007, Enforcement Bureau agents received additional complaints regarding the station. Agents then observed that the station's transmitter on 93.3 MHz was operating at almost three times its authorized power level using a different antenna than was specified in the station's authorization.

Accordingly, the FCC fined the licensee \$4,000 for exceeding power limits and \$10,000 for operating an unlicensed station. Because the licensee had previously received a Warning of Unlicensed Operation and a Forfeiture Order, the Commission found that the licensee had a history of violating the rules and adjusted the fine upward to \$24,000.

### **Commission Fines Florida Tower Owner \$12,000 for Failing to Post Antenna Structure Registration Numbers and Paint Its Towers**

A Florida tower owner was recently fined \$12,000 for failing to post Antenna Structure Registration numbers and failing to paint his towers to maintain good visibility. In September 2007, Enforcement Bureau agents conducted an inspection and found that the paint on all four towers in an AM radio station's antenna array were faded and washed out, making it difficult to distinguish between the alternating bands of orange and white paint. The agents subsequently found that, while the towers were registered, the Antenna Structure Registration Numbers were not posted near the bases of the towers. In December 2007, the station manager informed the Enforcement Bureau that the towers were being repainted.

Section 17.4(g) of the FCC's Rules requires that the Antenna Structure Registration Number be displayed in a conspicuous place near the base of the tower. Section 17.50 of the FCC's Rules requires that towers requiring painting must be cleaned or repainted as necessary to maintain good visibility. Because no evi-

dence was presented that steps to repaint the structures had been taken prior to the agents' inspections, a fine of \$12,000 was assessed to the tower owner.

### **FCC Fines California Radio Licensee for Failing to Operate an Aural Studio-Transmitter Link from the Licensed Location**

The FCC recently fined an FM radio licensee \$4,000 for failing to operate an aural studio-transmitter link ("STL") from its licensed location. In response to a complaint, an Enforcement Bureau agent contacted the radio station engineer in February 2008 and asked about the location of the STL. The engineer indicated that the STL's transmitting equipment was located at the FM radio station's main studio which had been moved over eight years ago along with the STL equipment. The engineer acknowledged that the station had no authorization for the new location which was over 0.7 miles from the authorized location.

Section 1.903(a) of the FCC's Rules requires that stations in the Wireless Radio Services be used and operated only with a valid authorization granted by the Commission. Section 1.947(a) requires that all major modifications, including any changes in transmit antenna location of more than 5 seconds in latitude or longitude require prior FCC approval. Because the current location from which the STL is being operated was over 44.2 seconds in longitude from the authorized location, the FCC fined the licensee \$4,000.

### **Commission Fines Florida AM Radio Licensee \$4,000 for Remaining on Air After Sunset in Violation of Its Station Authorization**

A Florida AM radio licensee was recently fined \$4,000 for failing to go off the air at sunset as specified in the station's authorization. In September 2007, Enforcement Bureau agents monitored the station's operations from approximately 5:30 PM until 9:00 PM. The agents observed that the station remained on the air during this entire period of time. In October 2007, agents again monitored the station's transmissions and found that the station remained on the air well after sunset. As the station was authorized only for daytime operation, agents conducted an inspection of the station in December 2007. They found that while the station operator could reduce power to the station, due to an equipment malfunction, the station could not be taken off the air. Station employees indicated that they were unaware of this equipment malfunction and did not know that the station was operating after sunset. Because the station was operated at times other than those specified in its license, a fine of \$4,000 was imposed.

---

For further information, please contact:

Scott R. Flick (bio)  
Washington, DC  
+1.202.663.8167  
scott.flick@pillsburylaw.com

Emily J. H. Daniels (bio)  
Washington, DC  
+1.202.663.9378  
emily.daniels@pillsburylaw.com

This publication is issued periodically to keep Pillsbury Winthrop Shaw Pittman LLP clients and other interested parties informed of current legal developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice.  
© 2008 Pillsbury Winthrop Shaw Pittman LLP. All Rights Reserved.