

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Billy R. Autry)	File No.: EB-02-OR-386
Licensee of WKRA(AM))	NAL/Acct. No. 200332620012
Holly Springs, Mississippi)	FRN 0004-9301-45
)	

FORFEITURE ORDER

Adopted: August 7, 2003

Released: August 11, 2003

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of eleven thousand dollars (\$11,000) to Billy R. Autry (“Mr. Autry”), licensee of radio station WKRA(AM), Holly Springs, Mississippi, for willful violation of Section 73.49 and willful and repeated violation of Section 73.1745 of the Commission’s Rules (“Rules”).¹ The noted violations involve Mr. Autry’s failure to enclose the station’s antenna within an effective locked fence or other enclosure, operating with excessive power during post-sunset hours, and failing to discontinue operation at night.

2. On March 17, 2003, the District Director of the Commission’s New Orleans, Louisiana Field Office (“New Orleans Office”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of \$11,000 to Mr. Autry.² Mr. Autry has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture.

3. Finally, we note that it is unclear from the record before us what steps, if any, Mr. Autry has taken to correct the violations cited in the *NAL* and to ensure that these violations do not recur in the future. Accordingly, we will require, pursuant to Section 308(b) of the Communications Act of 1934, as amended, (“Act”),³ that Mr. Autry submit a report to the Enforcement Bureau within 30 days of the release of this order outlining what measures he has taken or will take to correct the violations and ensure that they do not recur. Mr. Autry’s report must be submitted in the form of an affidavit or declaration.⁴

4. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Act,⁵ and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁶ Billy R. Autry **IS LIABLE FOR A MONETARY**

¹ 47 C.F.R. §§ 73.49, 73.1745.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332620012 (Enf. Bur., New Orleans Office, released March 17, 2003).

³ U.S.C. § 308(b).

⁴ Such affidavit or declaration should comply with Section 1.16 of the Rules, 47 C.F.R. § 1.16, and be substantially in the form set forth therein.

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

FORFEITURE in the amount of \$11,000 for willfully violating Section 73.49 of the Rules and willfully and repeatedly violating Section 73.1745 of the Rules.

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁷ Payment shall be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200332620012 and FRN 0004-9301-45. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁸

6. **IT IS FURTHER ORDERED** that, pursuant to Section 308(b) of the Act, Billy R. Autry must submit the report described in paragraph 3 no later than thirty (30) days from the date of release of this order to: Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division, 445 12th Street, S.W., Washington, D.C. 20554, Attention: Jacqueline Johnson.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by first class mail and certified mail return receipt requested, to Billy R. Autry, 145 Memphis Street, Holly Springs, Mississippi 38635.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁷ 47 U.S.C. § 504(a).

⁸ See 47 C.F.R. § 1.1914.