

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

In the Matter of)	
)	
Radio Centre, Inc.)	File No.: EB-03-AT-062
Licensee of Station WAGC(AM))	NAL/Acct. No. 200332480021
Centre, Alabama)	FRN 0007-3964-19
)	

FORFEITURE ORDER

Adopted: October 27, 2003

Released: October 29, 2003

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of seven thousand dollars (\$7,000) to Radio Centre Inc. (“Radio Centre”), licensee of WAGC(AM), Centre, Alabama, for willful violation of Section 73.49 of the Commission’s Rules (“Rules”).¹ The noted violation involves failing to enclose the station’s antenna tower within an effective locked fence.

2. On April 15, 2003, the District Director of the Commission’s Atlanta, Georgia Field Office (“Atlanta Office”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of \$7,000 to Radio Centre.² Radio Centre 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, Radio Centre has taken to correct the violation cited in the *NAL* and to ensure that this violation does 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 Radio Centre submit a report to the Enforcement Bureau within 30 days of the release of this order outlining what measures it has taken or will take to correct the violation and ensure that it does not recur. Radio Centre’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 Radio Centre, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$7,000 for willfully violating Section 73.49 of the Rules.

¹ 47 C.F.R. § 73.49.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332480021 (Enf. Bur., Atlanta Office, released April 15, 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).

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. 200332480021 and FRN 0007-3964-19. 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, Radio Centre, Inc. 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: Carmen Suarez.

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 Radio Centre Inc., P.O. Box 602, Centre, Alabama 35960-0602.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁷ 47 U.S.C. § 504(a).

⁸ See 47 C.F.R. § 1.1914.