

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

In the Matter of	)	
	)	
Mega Communications of New Britain Licensee,	)	File Number EB-02-BS-257
L.L.C.	)	NAL/Acct. No. 200332260003
WLAT	)	FRN: 0003-7847-90
New Britain, Connecticut	)	
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: June 24, 2004**

**Released: June 28, 2004**

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we cancel a seven thousand dollar (\$7,000) *Notice of Apparent Liability for Forfeiture* (“*NAL*”)<sup>1</sup> issued to Mega Communications of New Britain Licensee L.L.C., (“Mega”) licensee of AM radio station WLAT, New Britain, Connecticut for its apparent willful violation of Section 73.49 of the Commission’s Rules (“*Rules*”).<sup>2</sup> The alleged violation involved Mega’s failure to enclose two of its antenna structures within effective locked fences or other enclosures. Based on our review of Mega’s response to the *NAL* and the overall record, including Mega’s regular inspection of the tower and the fact that the problem occurred shortly after an inspection by Mega, we conclude that Mega did not willfully violate Section 73.49 of the Rules. Thus, we conclude that no forfeiture should be imposed.

2. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Communications Act of 1934 as amended, and Section 1.80(f)(4) of the Rules,<sup>3</sup> the instant *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332260003, **IS CANCELLED**.

3. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail, Return Receipt Requested, and by First Class Mail to Mega Communications of New Britain, Licensee, L.L.C., 8121 Georgia Avenue, 10<sup>th</sup> floor, Silver Spring, Maryland 20910 and to its counsel, Mark B. Denbo, Esq., and Christopher G. Wood, Esq., Fleischman and Walsh, L.L.P., 1400 16<sup>th</sup> Street, N.W., Washington, D.C. 20036.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau

<sup>1</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332260003 (Enf. Bur., Boston Office, released February 14, 2003).

<sup>2</sup> 47 C.F.R. § 73.49.

<sup>3</sup> 47 U.S.C. § 504(b); 47 C.F.R. § 1.80(f)(4).