

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

In the Matter of)	File Number EB-03-TP-133
)	
Vector Communications, Inc. d/b/a WCFI, Inc.)	NAL/Acct. No.200432700005
Owner of Antenna Structure Registration Number)	FRN 0006163547
1217391 in Ocala, Florida)	
Ocala, FL)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: December 16, 2003

By the Enforcement Bureau, Tampa Office:

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture*, we find Vector Communications, Inc. d/b/a WCFI, Inc. (“Vector”), owner of antenna structure 1217391 in Ocala, Florida, willfully and repeatedly violated Section 17.51(a) of the Commission's Rules (“Rules”)¹ by failing to exhibit red obstruction lighting on structure 1217391 from sunset to sunrise. We conclude that Vector is apparently liable for a forfeiture in the amount of ten thousand dollars (\$10,000).

II. BACKGROUND

2. Antenna structure #1217391 is located in Ocala, Florida. Vector is the registered owner of this structure. The structure’s Antenna Structure Registration (“ASR”) specifies that the structure be painted and also lit at night with red obstruction lighting (Chapters 3, 4, 5, 12 in accordance with Federal Aviation Administration (“FAA”) Circular Number 70/7460-1K).

3. On March 12, 2003, agents from the FCC Enforcement Bureau, Tampa Office were told by AM Broadcast Station WCFI personnel that structure 1217391 was not illuminated per its assigned painting and lighting specifications in that the top red beacon was extinguished. On March 14, 2003, an FCC agent contacted the FAA who confirmed that a NOTAM had not been requested by the structure owner. The agent reported the light outage and requested issuance of a NOTAM.

4. On October 9, 2003 agents from the FCC Enforcement Bureau, Tampa Office observed that structure 1217391 was not illuminated per its assigned painting and lighting specifications in that the top red beacon was extinguished during nighttime hours. On October 10, 2003, an FCC agent contacted the FAA who confirmed that a NOTAM had not been requested by the structure owner. The agent reported the light outage and requested issuance of a NOTAM.

¹ 47 C.F.R. § 17.51(a).

5. On October 14, 2003 agents from the FCC Enforcement Bureau, Tampa Office again observed that structure 1217391 was not illuminated per its assigned painting and lighting specifications in that the top red beacon was extinguished during nighttime hours.

6. On October 15, 2003 agents from the FCC Enforcement Bureau, Tampa Office met with representatives from WCFI(AM) in Ocala, FL. Vector Communications, Inc. is the station licensee. Station personnel confirmed that the structure had been unlit for approximately six months. Station personnel further admitted that they were aware that currently a NOTAM was not issued on structure 1217391. No documentation regarding the light outage could be produced at the time of inspection.

III. DISCUSSION

7. Section 17.51(a) requires that all red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified. On March 12, 2003 and October 9 and October 14, 2003, Vector failed to exhibit all required red obstruction lighting on its antenna structure 1217391 in accordance with its registration requirements. In addition, Vector failed to notify the FAA immediately of the improper functioning of the structure's lighting².

8. Based on the evidence before us, we find Vector willfully³ and repeatedly⁴ violated Section 17.51(a) of the Rules by failing to exhibit all required obstruction lights on structure 1217391.

9. Pursuant to Section 1.80(b)(4) of the Rules,⁵ the base forfeiture amount for failure to exhibit red obstruction lighting is \$10,000. Section 503(b)(2)(D) of the Communications Act of 1934, as amended ("Act"), requires us to take into account "...the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history or prior offenses, ability to pay, and other such matters as justice may require."⁶ Considering the entire record and applying the factors listed above, this case warrants a \$10,000 forfeiture.

IV. ORDERING CLAUSES

² Owners of registered antenna structures with assigned lighting must immediately report to the FAA any known improper functioning of any top or flashing light. *See* 47 C.F.R. § 17.48(a).

³ Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act" *See Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

⁴ Section 312(f)(2) of the Act, 47 U.S.C. § 312(f)(2), which applies equally to Section 503(b) of the Act, provides that "[t]he term 'repeated,' when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day."

⁵ 47 C.F.R. § 1.80(b)(4).

⁶ 47 U.S.C. § 503(b)(2)(D).

10. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,⁷ and Sections 0.111, 0.311 and 1.80 of the Rules,⁸ Vector Communications, Inc. d/b/a WCFI, Inc. is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willful and repeated violation of Section 17.51(a) of the Rules by failing to exhibit all required obstruction lighting on structure 1217391 in Ocala, Florida.

11. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules⁹, within thirty days of the release date of this *Notice of Apparent Liability*, Vector Communications Inc. d/b/a WCFI, Inc., SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

12. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. and FRN referenced above. Requests for payment of the full amount of this NAL under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.¹⁰

13. The response if any, must be mailed to **Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington, DC 20554, Attn: Enforcement Bureau-Spectrum Enforcement Division**, and MUST INCLUDE THE NAL/and FRN referenced in the letterhead above.

14. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

15. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Spectrum Enforcement Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC’s Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only.

⁷ 47 U.S.C. § 503(b).

⁸ 47 C.F.R. §§ 0.111, 0.311, 1.80.

⁹ 47 C.F.R. § 1.80

¹⁰ See 47 C.F.R. § 1.1914.

Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

16. IT IS FURTHER ORDERED THAT a copy of this *Notice of Apparent Liability* shall be sent by regular mail and Certified Mail Return Receipt Requested to Vector Communications, Inc., d/b/a WCFI, Inc., 3621 NW 10th Street, Ocala, FL 34475.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow
District Director - Tampa Office
Enforcement Bureau