

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

In the Matter of)	File Number EB-02-TP-550
)	
Rama Communications, Inc.)	NAL/Acct. No.200432700011
Licensee of WLAA(AM) in Winter Garden, Florida)	
Orlando, Florida)	FRN 0005008016
)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: March 5, 2004

By the Enforcement Bureau, Tampa Office:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find Rama Communications, Inc. (“Rama”), licensee of radio station WLAA, Winter Garden, Florida, apparently liable for a forfeiture in the amount of eighteen thousand dollars (\$18,000) for willful and repeated violation of Sections 11.35(a) and 73.3526(c)(1) of the Commission’s Rules (“Rules”).¹ Specifically, we find Rama Communications, Inc. apparently liable for failure to have the Emergency Alert System (“EAS”) transmitting functions available during times the station is in operation, and failure to make available upon request the complete public inspection file during regular business hours.

II. BACKGROUND

2. On June 3, 2003, the FCC Enforcement Bureau’s Tampa Office (“Tampa Office”) received a complaint alleging that WLAA failed to reduce transmitter power at the required times as specified in the station authorization.

3. On June 13, 2003, the agents from the Tampa Office inspected radio station WLAA during regular business hours. The agents met with the station’s general manager and the chief operator who assisted the agents during the inspection. During the inspection, station personnel twice attempted to run an EAS test using the shared EAS equipment with co-located and co-owned station WOKB. During both attempts, the tests were successfully transmitted over station WOKB but failed to be transmitted over WLAA. The station logs showed no entries of EAS tests since December 30, 2002, and no entries showing the EAS equipment had been removed from service for repairs. Station personnel could not produce the following items for public inspection: a copy of the current FCC license; contour maps showing current station coverage; most recent ownership report (last one available was submitted on January 3, 2001); annual employment reports; issues/program lists; and the local public notice announcement.

¹ 47 C.F.R. §§ 11.35(a) and 73.3526(c)(1).

4. On July 25, 2003, a follow-up investigation further revealed that the entire public file was not available at the main studio. A sign posted outside WLAA's main studio read: "Effective June 20, 2003, WOKB/WLAA public files are located at 3765 N. John Young Pkwy, Orlando, FL for public view, Monday-Friday between 10 AM-5 PM."

III. DISCUSSION

5. Section 11.35(a) of the Rules requires the licensee of a broadcast station to ensure that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations are in operation. At the time of inspection on June 13, 2003, the station's EAS equipment was not capable of generating the attention signal over station WLAA. According to the station's logs, the station had conducted no EAS tests since December 30, 2002. The logs contained no entries showing the EAS equipment had been removed for repair.

6. Section 73.3526(a)(2) of the Rules² requires that every permittee or licensee of an AM, FM, TV or Class A TV station in the commercial broadcast services shall maintain a public inspection file containing the material, relating to that station, described in paragraphs (e)(1) through (e)(10) and paragraph (e)(13) of this section. Section 73.3526(b) of the Rules³ requires the public inspection file be maintained at the station's main studio. Section 73.3526(c)(1) of the Rules requires the file be available for public inspection at any time during regular business hours. At the time of inspection during regular business hours on July 13, 2003, the following items were unavailable for inspection: a copy of the current FCC license, contour maps showing current station coverage, ownership report, annual employment report, issues/program lists and the local public notice announcement. During the inspection on July 25, 2003, the entire public inspection file was not available at the main studio location.

7. Based on the evidence before us, we find Rama willfully and repeatedly violated Sections 11.35(a) and 73.3526(c)(1) of the Rules for failure to have the EAS transmitting functions available during times the station is in operation, and failure to make available upon request the entire public inspection file during regular business hours.

8. Pursuant to Section 1.80(b)(4) of the Rules,⁴ the base forfeiture amount for failure to maintain operational EAS equipment is \$8,000, and for failure to maintain required records in the public inspection file is \$10,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended ("Act"), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁵ Considering the entire record and applying the factors listed above, this case

² 47 C.F.R. § 73.3526(a)(2).

³ 47 C.F.R. § 73.3526(b).

⁴ 47 C.F.R. § 1.80(b)(4).

⁵ 47 U.S.C. § 503(b)(2)(D).

warrants an \$18,000 forfeiture.

IV. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,⁶ and Sections 0.111, 0.311 and 1.80 of the Rules,⁷ Rama Communications, Inc. is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of eighteen thousand dollars (\$18,000) for failure to have the EAS transmitting functions available during times the station is in operation, and failure to make available for inspection the complete public inspection file.

10. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this NAL, Rama Communications, Inc. SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

11. 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. 20554.⁸

12. 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/Acct. No. referenced above.

13. 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.

14. 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

⁶ 47 U.S.C. § 503(b).

⁷ 47 C.F.R. §§ 0.111, 0.311, 1.80.

⁸ See 47 C.F.R. § 1.1914.

A of this Notice of Apparent Liability. This information will be used for tracking purposes only. 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.

15. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to Rama Communications, Inc., PO Box 680889, Orlando, FL 32868.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow
Tampa Office, Enforcement Bureau

Attachment