

Federal Communications Commission

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

In the Matter of)	
)	
GB Enterprises Communications, Corp.)	File No. EB-04-TP-098
1505 Dundee Road)	
Winter Haven, Florida)	NOV No. V20043270006
)	

NOTICE OF VIOLATION

Released: May 5, 2004

By the District Director, Tampa Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to GB Enterprises Communications, Corp., licensee of the radio station WHNR (AM).

2. On March 22, 2004, agents of the Commission's Tampa Office inspected radio station WHNR (AM), licensed to Cypress Gardens, Florida and observed the following violations:

- a. 47 C.F.R. § 11.52 (d): "Broadcast stations and cable systems and wireless cable systems must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook." At the time of the inspection the station was not monitoring the two assigned EAS sources.
- b. 47 C.F.R. § 11.61(a)(1)(v): "...monthly tests must be transmitted within 60 minutes of receipt by broadcast stations or cable systems in an EAS Local Area or State." There was no evidence that the required monthly tests were ever conducted by the station.
- c. 47 C.F.R. § 73.49: "*AM transmission System fencing requirements.* Antenna towers having radio frequency potential at the base (series fed, folded unipole, and insulated base antennas) must be enclosed within effective locked fences or other enclosures. Ready access must be provided to each antenna tower base for meter reading and maintenance purposes at all times." At the time of inspection antenna fence around the structures were torn down, fence gates were unlocked and no ready access was provided to the base of each of the antenna towers.
- d. 47 C.F.R. § 73.62 (b)(4): "If operation pursuant to paragraph (b)(3) of this section is necessary, or before the 30 day period specified in paragraph (b)(2)

¹ 47 C.F.R. § 1.89.

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of this section expires, the licensee must request a Special Temporary Authority (STA) in accordance with § 73.1635 to continue operation with parameters at variance and/or with reduced power along with a statement certifying that all monitoring points will be continuously maintained within their specified limits.” At the time of inspection station was found operating in omni-directional pattern, twenty four hours, for the past two weeks without an special temporary authorization from the Commission.

- e. 47 C.F.R. 73.1400(4)(b): “*Unattended operation.* Unattended operation is either the absence of human supervision or the substitution of automated supervision of the station’s transmission system for human supervision.” At the time of the inspection the station didn’t have direct supervision or a remote control system to control the transmission system parameters after 9:00 P.M.
- f. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license. At the time of the inspection, the station did not have a written designation of the chief operator.
- g. 47 C.F.R § 73.3526(e)(5): “*Ownership reports and related materials.* A copy of the most recent, complete ownership report filed with the FCC for the station, together with any statements filed with the FCC certifying that the current report is accurate, and together with all related material.” At the time of inspection, the most recent owner ship report was not available.
- h. 47 C.F.R § 73.3526(e) (6): “*Political File.* Such records as are required by § 73.1943 to be kept concerning broadcasts by candidates for public office.” At the time of inspection the “Political File” was not available.
- i. 47 C.F.R § 73.3526(e) (8): “*The public and Broadcasting.* At all times, a copy of the most recent version of the manual entitled “The public and broadcasting.” At the time of inspection copy of the manual “The public and broadcasting” was not available.
- j. 47 C.F.R § 73.3526(e) (12): “*Radio issues/programs list.* For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station’s most significant treatment of community issues during the preceding three month period.” At the time of inspection a file containing radio issues/programs list was not available.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, GB Enterprises Communications, Corp., must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The

² 47 U.S.C. § 308(b).

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response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Tampa Office
2203 N. Lois Avenue, Suite 1215
Tampa, Florida 33607

4. This Notice shall be sent to GB Enterprises Communications, Corp., 1505 Dundee Road, Winter Haven, FL 33884.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow
District Director
Tampa Office

³ P.L. 93-579, 5 U.S.C. § 552a (e) (3).

⁴ 18 U.S.C. § 1001 *et seq.*