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Federal Communications Commission
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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Circ 1974).

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FCC PROPOSES TO FINE A-O BROADCASTING \$28,000 FOR VIOLATIONS OF RF RADIATION LIMITS AND OTHER COMMISSION RULES

Washington, D.C. – Today, the Commission released a Notice of Apparent Liability for Forfeiture proposing that A-O Broadcasting, Inc. (“A-O”), licensee of FM radio station KTMN, Cloudcroft, New Mexico, be held liable for a \$28,000 forfeiture for violations of the radiofrequency radiation (“RFR”) exposure limits applicable to transmitters on towers and for other rule violations. This is the first case in which the Commission has proposed a monetary forfeiture for violation of the RFR exposure limits.

FCC agents inspected KTMN’s transmitter site after receiving a complaint alleging that KTMN was not operating at its authorized power and was not in compliance with the RFR exposure limits. The inspection revealed that KTMN’s transmitting antenna, which was mounted on an observation tower used by the U.S. Forest Service to watch for wildfires, was mounted substantially lower on the tower than authorized in KTMN’s license. Measurements taken by the agents showed that operation of KTMN’s transmitting antenna at only 40% of its authorized power created RFR fields which exceeded the RFR exposure limits for the general public by more than 300% on the observation tower and in areas outside the fence surrounding the tower that were accessible to the public. In addition, the agents found that A-O had not complied with special RFR operating conditions set forth in its license. The Commission proposes that A-O be held liable for a \$10,000 forfeiture for exceeding the RFR exposure limits in apparent violation of Section 1.1310 of the Commission’s Rules.

The Commission also proposes that A-O be held liable for an \$8,000 forfeiture for failure to install Emergency Alert System equipment in apparent violation of Section 11.35 of the Commission’s Rules, a \$7,000 forfeiture for failure to have a main studio in apparent violation of Section 73.1125 of the Commission’s Rules, and a \$3,000 forfeiture for failure to have adequate transmission system control in apparent violation of Section 73.1400 of the Commission’s Rules.

Action by the Commission on November 14, 2002, by Notice of Apparent Liability for Forfeiture (FCC 02-312). Chairman Powell, Commissioners Abernathy, Copps and Martin.

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