

\$25,000 Fine for Unlocked Tower Fence and Missing EAS Receiver and Public File

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If a broadcaster is looking to maximize the fine that they receive for FCC violations, one would be hard pressed to pick three violations more likely to draw the ire of the FCC than those that were found after a **field inspection** of a North Carolina AM station, leading to a [Notice of Apparent Liability](#) proposing to fine the station \$25,000. The inspection found a **tower site with an unlocked fence** (a fence which was also observed to be in disrepair) around areas of high RF radiation, and no evidence of either an **EAS receiver or a public file** at the station's main studio. In the FCC's estimation, that public file violation was the most serious, warranting a \$10,000 fine. Those pesky violations that could lead to actual harm to real people if someone wandered onto the tower site or if an emergency message did not reach its intended audience - drew fines of \$7000 (for the unlocked fence) and \$8000 (for the missing EAS receiver).

A number of excuses were provided by the licensee, and rejected by the Commission. The fact that subsequent remedial actions were taken did not reduce the severity of the violations found during the inspection. An excuse offered after the inspection, that the studio was in the process of being moved to another location at the time of the inspection, meaning that the public file and EAS system were in transit, was also rejected - as the move was not mentioned to the FCC inspectors as a reason for the violation at the time of the inspection, and as the fact was that the station was in violation at the time of the inspection - during normal business hours, no public file or EAS equipment was at what was then the main studio. The fact that no EAS outage were noted on any station log was also taken into account by the FCC.

One of the most striking aspects of the Commission's summary of the inspection was the reported inability of the station's manager to explain the violations. The manager reportedly did not know where the public file or the EAS receiver were, or how long they were missing. When the excuse that they were in transit to the new studio was later advanced, the FCC was perhaps understandably suspicious. If nothing else, this case should serve as a warning to managers to be aware of FCC compliance issues or, in the event of an inspection, have someone meet with the inspectors who can answer their questions.

The case also highlights the absurdity of the importance that the FCC places on the public file rule. Here, there were two violations that could have posed real threats to real people. Yet these violations drew fines less than those imposed for a public file violation - a violation that, at most stations, harms no one, as public files are rarely if ever visited by the public. As we have [written](#), the government is doing a review of its rules - including specifically the public file rule - to determine if their costs of compliance outweigh any public benefit received. Let's hope that this review places some rationality into the assessment of the importance of the enforcement of these rules.