

[Tower Lights Out, High RF Radiation, Insufficient Transmitter Site Fences - FCC Fines Up to \\$14,000](#)

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Three recent FCC cases demonstrate how seriously the FCC views **tower site issues** - imposing fines up to \$14,000 for various violations of FCC rules. One \$14,000 fine was in a [case](#) where an AM station's tower was enclosed by a fence that was falling down and did not enclose areas of high RF radiation as required by Section 73.49 of the rules. The station also had a **main studio that was unattended** on two successive days, and had no one answering the phone on those days - no one to respond to the FCC's calls. The FCC broke the fine down as \$7000 due to the lack of fencing, and \$7000 to the unattended main studio.

In the [second case](#), the FCC, the FCC fined a station \$10,000 for areas of **high RF radiation** that were not fenced or marked by signs when the FCC conducted its inspection, and \$4000 for operating overpower. The Commission measured the overpower operation on one day, inferred that it had been in place the previous day, and thus deemed the violation repeated. The Commission found that the station's tower was fenced, but that there was high RF outside the fence, leading to the fine. [The third case](#) was one where the Commission found that the top flashing beacon on a tower was out on two successive days, even though the required steady lit obstruction lights on the side of the tower were operational. While the licensee notified the FAA of the outage three days later (with no noted prompting from the FCC), and had the situation corrected two days after notifying the FAA, the Commission also determined that the the violation was repeated and willful, leading to a \$10,000 fine.

What do these cases tell broadcasters? While they are only Notices of Apparent Liability, which can be contested by the licensees, they demonstrate the aggressive nature of FCC enforcement - particularly with regard to tower and safety issues. The FCC Enforcement Bureau seems to take the position that any violation - if they find it occurring on more than one day, is a **willful and repeated** violation subject to fine. Many broadcasters have recently argued that "willful and repeated should mean something more than a violation of the rule that goes on for more than one day. So far, the FCC has rejected all of these arguments. And, when dealing with safety issues, whether the FCC discovers them through a complaint, by happenstance, or by random inspection, the FCC is particularly aggressive. And these types of violations are usually not covered by the alternate inspection programs conducted by state broadcast associations. So broadcasters must themselves carefully monitor compliance with all transmitter site technical issues, especially those that could potentially affect health and safety, or face big fines from the FCC.

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