

\$12,000 Fine for Uncertified Transmitter and Refusal to Cooperate with FCC Inspector

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A fine issued to a low power FM station today makes one wonder "what were they thinking?" [The decision cites](#) a situation where interference was reported by an FAA Control center. That interference was tracked down by the FCC, though radio direction finding equipment, to an LPFM station. When the FCC inspectors arrived at the station to inspect the transmitter, the person on duty at the station, and then the "owner", both refused to allow the inspection and refused to turn off the transmitter - even when told that the interference was a threat to aircraft safety. Both said that the FCC would have to wait until their engineer arrived, delaying the shut-down for about half an hour. The inspection discovered a transmitter that was not certified by the FCC which, when finally shut down, remedied the interference to the FAA frequencies. Based on these facts, the FCC fined the station \$7000 for the transmitter that was not certified (the base amount for such a fine), and increased the fine by another \$5000 because of the failure to cooperate with the FCC inspector, especially in light of the threat to health and safety from the interference to the FAA frequencies.

Beyond the obvious failure to use equipment that had been certified for broadcast use, this case highlights the duty of a broadcast licensee to cooperate with FCC inspectors when they visit a station. FCC rules (Section 73.1225(a)) provides that stations must be available for inspection by FCC the FCC at any time that the station is in operation. If there are issues that could cause a risk to health and safety, including the kind of spurious emissions from a transmitter that were interfering with the FAA frequencies, the station must shut down within 3 minutes if requested by the FCC (Section 73.1350(b)(2)). These days, in some quarters, there is an unwarranted suspicion of government intrusion. Perhaps that somehow explains the actions of the licensee here. But that suspicion is totally unwarranted when you are dealing with an FCC inspection. Broadcasters operate their stations because of a license issued by the FCC. If you are going to hold a license, you need to be ready to deal with the requirements of that license. Ignoring attempts by the FCC to enforce those requirements is to ask for trouble. And, when you add in the issue of safety that was before the Commission in this case, a licensee is risking not only FCC penalties, but potentially civil ones too, should there have been any sort of accident caused by the interference that his station produced. If the FCC comes knocking - pay attention to what they say, and cooperate with them!

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