

**Federal Communications Commission**

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

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|------------------------------------|---|-------------------------|
| In the Matter of                   | ) |                         |
|                                    | ) |                         |
| MFR, Inc.                          | ) | File No.: EB-10-TP-0089 |
| Licensee of Broadcast Station WTOT | ) | NOV No.: V201232700004  |
| Marianna, Florida                  | ) | Facility ID: 6751       |
|                                    | ) |                         |

**NOTICE OF VIOLATION**

**Released: April 19, 2012**

By the District Director, Tampa Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s Rules,<sup>1</sup> to MFR, Inc., licensee of AM Station WTOT, Marianna, Florida.
2. On August 8 and 9, 2011, agents of the Enforcement Bureau’s Tampa Office (Tampa Office) inspected the main studio and transmitter site of Station WTOT located in Marianna, Florida, and observed the following violation:
  - a. 47 C.F.R. § 73.49: “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 the inspections on August 8 and 9, 2011, the fence around the base of Station WTOT’s antenna tower, antenna structure number 1044793, was in poor condition. Although the gate of the fence was locked, the fence leaned on one side and contained a small gap.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission’s rules,<sup>3</sup> MFR, Inc. must submit a written statement concerning this matter within twenty (20) calendar days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself<sup>4</sup> and signed by a principal or officer of the licensee under penalty of

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<sup>1</sup> 47 C.F.R. § 1.89.  
<sup>2</sup> 47 U.S.C. § 308(b).  
<sup>3</sup> 47 C.F.R. § 1.89.  
<sup>4</sup> 47 C.F.R. § 1.89(c).

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perjury.<sup>5</sup> 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 Field Office  
4010 W. Boy Scout Blvd., Suite 425  
Tampa, FL 33607-5744

4. This Notice shall be sent to MFR, Inc. at its address of record.
5. The Privacy Act of 1974<sup>6</sup> 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.<sup>7</sup>

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow  
District Director  
Tampa District Office  
South Central Region  
Enforcement Bureau

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<sup>5</sup> 47 C.F.R. § 1.16.

<sup>6</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>7</sup> 18 U.S.C. § 1001 *et seq.*