

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

Family Broadcasting, Inc.
 Attn.: Mr. Luz James
 POB 3279
 St. Croix, USVI 00822

File No.: EB-00-SJ-034
 Call Sign: WSTX-FM

CERTIFIED MAIL # Z 312 373 862

NOTICE OF VIOLATION

Released: May 1, 2000

By the Enforcement Bureau, San Juan Office:

1. This is an Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules ("the Rules"), 47 C.F.R. § 1.89, to Family Broadcasting, Inc., licensee of Broadcast Station WSTX-FM, for violation [s] detailed below.
2. On April 13, 2000, San Juan agent Reuben Jusino conducted an inspection of WSTX, an FM broadcast facility licensed to serve Christiansted, United States Virgin Islands, and found the following violations:
 - 47 C.F.R. § 73.1635(a): A special temporary authorization (STA) is the authority granted to a licensee to permit the operation of a broadcast facility for a limited period of time at a specified variance from the terms of the station authorization. *No STA was available to authorize the licensee to operate at reduced power. Family Broadcasting, Inc. is operating the FM facility at 100 Watts output power as per transmitter readings. The station authorization requires operation at 50 kWatts. A search of Commission records confirms no STA has been requested for this operation as of April 17, 2000.*
 - 47 C.F.R. § 73.1635(a): A special temporary authorization (STA) is the authority granted to a licensee to permit the operation of a broadcast facility for a limited period of time at a specified variance from the terms of the station authorization. *No STA was available to authorize the licensee to operate at variance from the authorized latitude and longitude. You are authorized at 17 45 20 N latitude, 064 47 55 W longitude. You are currently operating collocated with the WSTX-AM site at 17 45 23 N latitude, 064 41 38 W longitude. This collocated operation has been ongoing since August 19, 1997. A search of Commission records confirms no STA has been requested for this operation as of April 17, 2000.*

- 47 C.F.R. § 73.1680(b): Prior authority from the FCC is not required to erect and commence operations using an emergency antenna to restore program service to the public. However, an informal letter request to continue operation with the emergency antenna must be made within 24 hours to the FCC in Washington, DC, Attention: Audio Services Division. The request is to include a description of the damage to the authorized antenna, emergency antenna description, and the station operating power with the emergency antenna. *There is no record of a request to operate with an emergency antenna having been filed with the Commission as of April 17, 2000. Family Broadcasting, Inc. has been transmitting using a one bay FM broadcast antenna as an emergency antenna since at least August 19, 1997.*
- 47 C.F.R. § 73.3526 (a)(2): Every licensee of an FM station in the commercial broadcast services shall maintain a public inspection file containing the material described in paragraphs (e) (1) through (e) (10) and (e) (13) of this section. *At the time of inspection no public inspection file was available for review.*
- 47 C.F.R. § 73.1800(a): A person designated by the licensee must keep a station log and it must accurately reflect the station operation. *No station log was available for review at the time of inspection.*
- 47 C.F.R. § 73.1820(a)(1)(C)(iii): All tests and activation of the Emergency Alert System (EAS) should be logged and made a part of the station log. *There was no EAS data or log available for review at the time of inspection.*
- 47 C.F.R. § 11.15: A copy of the EAS Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for initiating actions. *No EAS Handbook was available for review by the agent during the inspection.*
- 47 C.F.R. § 11.35(a): Broadcast stations are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed and in good working order. *At the time of inspection the EAS equipment was not in working order. During the survey of the equipment an EAS test came through the monitor but the equipment was not capable of sending the test over the air. No paper from the equipment printer with the details of the alert was printed either*

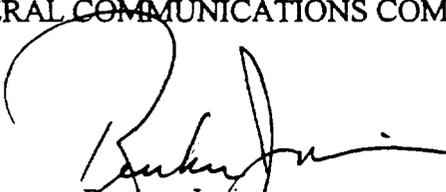
3. In accordance with Section 308(b) of the Communications Act of 1934 as amended, 47 U.S.C. § 308(b), and Section 1.89 of the Rules, 47 C.F.R. § 1.89, Family Broadcasting, Inc. shall, within 10 days of the release date indicated above, submit a written response concerning this matter to the following address:

Federal Communications Commission
US Federal Building, Room 762
San Juan, PR 00918-1731

The response shall contain a statement of the specific action(s) taken to correct the violation [s] contained in this Notice and to preclude [its/their] recurrence. Specific dates for completion of corrective action shall be included for any violation, which has not been corrected at the time of reply. If any material referenced as unavailable by this Notice is available, copies must be provided in the response.

4. All replies and documentation sent in response to this Notice should be marked "File No. EB-00-SJ-034." Failure to respond to this Notice constitutes a separate violation of the Rules, and could incur additional administrative penalties, including monetary forfeiture¹.
5. The Privacy Act of 1974, P.L. 93-579, 5 U.S.C. § 552a(e)(3), requires that we advise you that the Commission's staff will use all relevant material information before it, including the information disclosed in your reply, to determine what, if any, enforcement action is required to ensure your compliance with our rules. 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, 18 U.S.C. § 1001 *et seq.*

FEDERAL COMMUNICATIONS COMMISSION


Reuben Jusino
Resident Agent

Via fax to: Barbara James-Petersen, General Manager

¹ The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, 12 FCC Rcd 17087 (1997), recon. denied, 15 FCC Rcd 303 (1999)

Family Broadcasting, Inc.

WSTX AM & FM

ATTACHMENT Y

P.O. Box 3279
Christiansted, St. Croix
U.S. Virgin Islands 00822

(809) 778-8802
(809) 773-0445
Fax: (809) 778-8812

May 15, 2000

MASS MEDIA BUREAU
Audio Services Division
Federal Communication Commission
445 Twelfth Street, S.W.
Washington, D. C.
20554

Re: RADIO STATION WSTX - AM

Dear Sir:

Although, it was publicly announced, and every one living in the U. S. Virgin Islands knew that the Hurricane Season had passed, the entire populace was literally shocked when HURRICANE LENNY visited the Island of St. Croix, on November 18, 1999, and did extensive damage to Radio Station WSTX - AM.

Because of the damages sustained, Radio Station WSTX - AM lost its 250 foot Tower; two (2) Satellite Dishes; Five (5) Window Airconditioners, along with several Radio Equipments which were totally destroyed by rain when the roof disappeared. Thus, this undersigned, as President of Family Broadcasting, Inc. some three days later made contact by telephone with the Mass Media Section of the Federal Communication Commission, and verbally requested permission to operate its facility by use of a Line Antennae. Verbal approval was granted, and this undersign was advised to file the required FCC Form 159 and payment to its Pittsburgh Office.

It should be noted that shortly after Verbal Approval was received, Management began acquiring the needed materials and equipments. Shortly thereafter, the Station's Engineer installed the Line Antennae which has been in use ever since. This Line Antennae is 150 feet Long, and hangs on three (3) polls. The height of each poll is approximately Thirty Five (35) Feet in the air.

However, before the required form and the payment of said fees could be made, this undersign became seriously ill and was hospitalized at the Juan Luis Hospital, St. Croix, Virgin Islands, and was later airlifted from St. Croix to New Orleans, Louisiana, where I finally underwent a Triple Bypass Heart Operation.

I am aware of the fact that penalties would be assessed for late filing and payment; however, enclosed herewith please find

Y 1

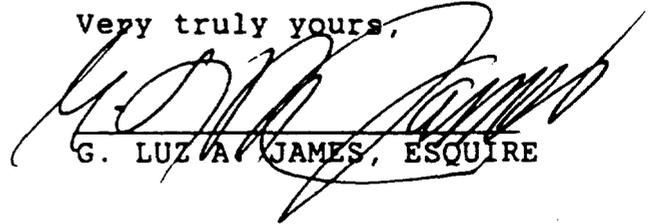
MASS MEDIA BUREAU
WSTX - AM
Page Two

copies of FCC Form 159 along with Postal Money Order No.8394073 in the sum of ONE HUNDRED THIRTY DOLLARS (\$130.00) which were sent to the Mass Media Services in Pittsburgh, Pennsylvania.

Enclosed also please find the required Anti - Drug Abuse Act Certification which had been duly completed and made a part of this application.

Should you have any questions, please feel free to call me at (340) 778 - 8802 (Office) or (340) 778 - 8471 (Home).

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Luz A. James", written over a horizontal line.

G. LUZ A. JAMES, ESQUIRE

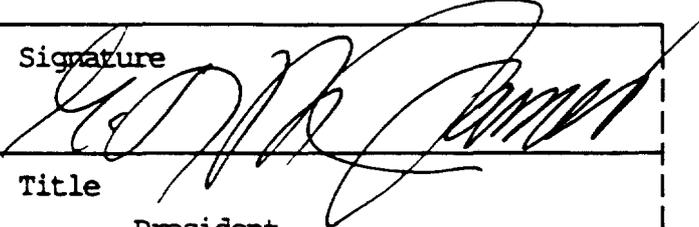
Y2

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

Yes

No

Name of Applicant FAMILY BROADCASTING, INC.	Signature 
Date May 15, 2000	Title President

Y3

ATTN: FAX NUMBER <

Family Broadcasting, Inc.

WSTX AM & FM

P.O. Box 3279
Christiansted, St. Croix
U.S. Virgin Islands 00822

(809) 778-8802
(809) 773-0445
Fax: (809) 778-8812

May 15, 2000

MASS MEDIA BUREAU
Audio Services Division
Federal Communication Commission
445 Twelfth Street, S.W.
Washington, D. C.
20554

Re: RADIO STATION WSTX - FM

Dear Sir:

Although, it was publicly announces, and every one living in the U. S. Virgin Islands, knew that the Hurricane Season had passed, the entire populace was literally shocked when HURRICANE LENNY visited the Island of St. Croix, on November 18, 1999, and did extensive damage to Radio Station WSTX - FM.

Because of the devastating damages done to WSTX - FM Tower, its STL and Transmitter which were located on the top of Blue Mountain, St. Croix, U. S. Virgin Islands, Management immediately decided to relocate its FM Transmitter and Antennae to the Fort Louise Augusta Site in Christiansted, St. Croix, adjacent to where WSTX - AM is now located.

I am therefore pleased to inform your Agency that the new coordinates for WSTX - FM Site will be as follows:

NORTH;	17 Degrees	45 Minutes	23 Seconds
WEST;	64 Degrees	41 Minutes	38 Seconds

After the acquisition of a new 100 Watts FM Transmitter, Management had it Engineer to install a One (1) Bay Antennae upon a Forty Five Foot Steel Tower which over looks the Town of Christiansted, St. Croix, U. S. Virgin Islands.

However, before the required FCC forms could be completed, and payment of Fees could be made, this undersign became seriously ill, and was hospitalized at the Juan Luis Hospital, St. Croix, Virgin Islands. Several days later, this Individual was airlifted from St. Croix, V.I. to New Orleans where I finally underwent a Triple Bypass Heart Operation.

I am aware of the fact that penalties would be assessed

Z ,

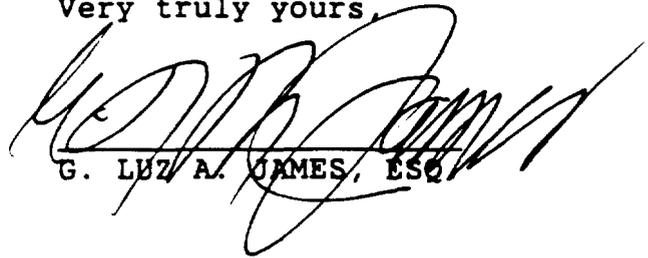
MASS MEDIA BUREAU
WSTX - FM
Page Two

copies of FCC Form 159 along with Postal Money Order No. 399517 in the sum of ONE HUNDRED THIRTY DOLLARS (\$130.00) which were sent to the Mass Media Services in Pittsburgh, Pennsylvania.

Enclosed also please find the required Anti - Drug Abuse Act Certification which had been duly completed and made a part of this application.

Should you have any questions, please feel free to call me at (340) 778 - 8802 (Office) or (340) 778 - 8471 (Home)

Very truly yours,



G. LUZ A. JAMES, ESQ.



Mellon Bank

05-23-00 0358190 8190528 1 002 22

20601

STA CASH

20000522 AAS

		POSTAL MONEY ORDER		<small>PS-800 000</small>
84958399517		000517 008200		*130*00
<small>POSTAL NUMBER</small>	<small>YEAR, MONTH, DAY</small>	<small>POST OFFICE</small>	<small>U.S. DOLLARS AND CENTS</small>	
<small>PAY TO</small>	FEDERAL COMMUNICATION COMM.	<small>CHECKWRITER ZIP/POST AREA</small>	99130200	
<small>ADDRESS</small>	MASS MEDIA SERVICES	<small>FROM</small>	G. LIZ A. JAMES	
<small>C.O.D. NO. OR USED FOR</small>	BOX 358190 PITTSBURGH, PENN 15251	<small>ADDRESS</small>	P. O. BOX 3279 ST. CROIX, VIRGIN ISLANDS	
<small>NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS</small>				
:00000800 2:		84958399517*		*0000013000*

8495839951

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

SPECIAL USE
FCC USE ONLY
FCC/MELLON MAY 22 2000

(1) LOCKBOX #

PAGE NO

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)		(3) TOTAL AMOUNT PAID (donations and costs)
FAMILY BROADCASTING, INC.		\$ 130.00
(4) STREET ADDRESS LINE NO 1		
P. O. BOX 3279		
(5) STREET ADDRESS LINE NO 2		
FORT LOUISE AUGUSTA		
(6) CITY	(7) STATE	(8) ZIP CODE
CHRISTIANSTED, ST. CROIX	VIRGIN ISLANDS	00822
(9) DAYTIME TELEPHONE NUMBER (include area code)		(10) COUNTRY CODE (if not in U.S.A.)
(340) 773 - 0390		

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)		
(12) STREET ADDRESS LINE NO 1		
(13) STREET ADDRESS LINE NO 2		
(14) CITY	(15) STATE	(16) ZIP CODE
(17) DAYTIME TELEPHONE NUMBER (include area code)	(18) COUNTRY CODE (if not in U.S.A.)	

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID	(20A) PAYMENT TYPE CODE (PTC)	(21A) QUANTITY	(22A) FEE DUE FOR (PTC) IN BLOCK 20A	FCC USE ONLY
WSTX - FM	M G R	1	\$ 130.00	
(23A) FCC CODE 1	(24A) FCC CODE 2			
100.3 FM				
(19B) FCC CALL SIGN/OTHER ID	(20B) PAYMENT TYPE CODE (PTC)	(21B) QUANTITY	(22B) FEE DUE FOR (PTC) IN BLOCK 20B	FCC USE ONLY
(23B) FCC CODE 1	(24B) FCC CODE 2			
(19C) FCC CALL SIGN/OTHER ID	(20C) PAYMENT TYPE CODE (PTC)	(21C) QUANTITY	(22C) FEE DUE FOR (PTC) IN BLOCK 20C	FCC USE ONLY
(23C) FCC CODE 1	(24C) FCC CODE 2			
(19D) FCC CALL SIGN/OTHER ID	(20D) PAYMENT TYPE CODE (PTC)	(21D) QUANTITY	(22D) FEE DUE FOR (PTC) IN BLOCK 20D	FCC USE ONLY
(23D) FCC CODE 1	(24D) FCC CODE 2			

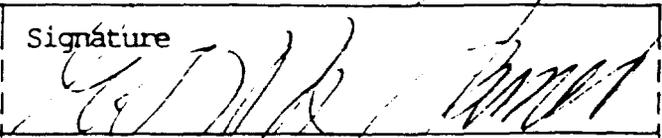
SECTION D - TAXPAYER INFORMATION (REQUIRED)

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

Yes

No

Name of Applicant FAMILY BROADCASTING, INC.	Signature 
Date May 15, 2000	Title President

ATTACHMENT 14 AA

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mmb/asd/

PROCESSING ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1411
MAIL STOP: 1800B2
INTERNET ADDRESS: cnmiller@fcc.gov

June 12, 2000

G. Luz A. James, Esq.
Family Broadcasting, Inc.
Box 3279
Christiansted, St. Croix
U.S. Virgin Islands 00822

Re: WSTX(AM), Christiansted, Virgin Islands
Facility Identification Number : 20589
Family Broadcasting, Inc.
Special Temporary Authorization

Dear Mr. James:

This is in reference to your letter dated May 15, 2000, filed on behalf of Family Broadcasting, Inc. (FB). Special temporary authority (STA) is requested to operate Station WSTX with an emergency antenna pursuant to Section 73.1680.¹

In support of the request, FB states that, on November 18, 1999, Hurricane Floyd caused extensive damage to Station WSTX, including the loss of the antenna tower. FB states that, following telephone contact with FCC staff, WSTX installed a longwire antenna and commenced operation. FB states that it was advised by staff to file an STA request; however, before the request could be filed, Mr. James became seriously ill, was hospitalized and underwent a triple-bypass heart operation.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth. Our review indicates that, except for the late filing, the proposed STA operation meets the requirements of Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station WSTX may operate with an emergency longwire antenna. It will be necessary to further reduce power or cease operation if complaints of interference are received. FB must notify the Commission when licensed operation is restored.² FB must use whatever means are necessary to protect workers and the

¹ WSTX is licensed for operation on 970 kHz with 5 kilowatts daytime and 1 kilowatt nighttime, employing a nondirectional antenna (ND-1-U).

² See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

AA 1

public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310. The authority granted herein does not cover the period between November 18, 1999, and the date of this letter, and is without prejudice as to whatever action the Commission may take with respect to any unauthorized or improper operation of Station WSTX.

This authority expires on **December 12, 2000**.

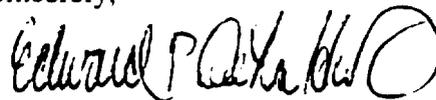
STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Edward P. De La Hunt
Assistant Chief
Audio Services Division
Mass Media Bureau

cc: Family Broadcasting, Inc.

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

ATTACHMENT

file
BB

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mmb/asd/

PROCESSING ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1411
MAIL STOP: 1800B2
INTERNET ADDRESS: cnmiller@fcc.gov

June 12, 2000

G. Luz A. James, Esq.
Family Broadcasting, Inc.
Box 3279
Christiansted, St. Croix, VI 00822

Re: WSTX-FM, Christiansted, Virgin Islands
Facility Identification Number : 20601
Family Broadcasting, Inc.
Special Temporary Authorization

Dear Mr. James:

This is in reference to your letter dated May 15, 2000, filed on behalf of Family Broadcasting, Inc. (FB). Special temporary authority (STA) is requested to operate Station WSTX-FM with an emergency antenna pursuant to Section 73.1680.¹

In support of the request, FB states that, on November 18, 1999, Hurricane Floyd caused extensive damage to Station WSTX-FM. FB states that WSTX-FM installed an emergency, one-bay antenna at the site of commonly-owned Station WSTX(AM) and commenced operation. FB states that, before the required FCC filing and fee payment could be made, Mr. James became seriously ill, was hospitalized and underwent a triple-bypass heart operation.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. Our review indicates that, except for the change in site and the late filing, the proposed STA operation meets the requirements of Section 73.1680; and that the proposed STA operation meets our STA criteria for a site change.²

Accordingly, the request for STA IS HEREBY GRANTED. Station WSTX-FM may operate with the following facilities:

¹ WSTX-FM is licensed for operation on Channel 262B (100.3 MHz) with effective radiated power of 50 kilowatts (H&V) and antenna height of 314 meters above average terrain.

² STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

BB 1

Coordinates: 17° 45' 23" NL, 64° 41' 38" WL (NAD 1927)
Frequency: Channel 262 (100.3 MHz)
Transmitter Output Power: 100 watts
Antenna: one-bay
Overall tower height 14 meters (45')

FB must notify the Commission when licensed operation is restored. FB must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310. The authority granted herein does not cover the period between November 18, 1999, and the date of this letter, and is without prejudice as to whatever action the Commission may take with respect to any unauthorized or improper operation of Station WSTX-FM. This authority expires on **December 12, 2000**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

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- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Edward P. De La Hunt
Assistant Chief
Audio Services Division
Mass Media Bureau

cc: Family Broadcasting, Inc.

BB 2

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In reply refer to:
EB-00-TS-108

July 19, 2000

SENT BY CERTIFIED MAIL AND FACSIMILE

G. Luz A. James, Esq.
Family Broadcasting, Inc.
P.O. Box 3279
St. Croix, U.S. Virgin Islands 00822

Re: Station WSTX-FM, Christiansted, U.S. Virgin Islands

Dear Mr. James:

The purpose of this letter is to advise you of serious questions arising from the request for Special Temporary Authority ("STA") regarding Station WSTX-FM which you filed with the Audio Services Division of the FCC's Mass Media Bureau on May 15, 2000. The May 15, 2000, STA request sought temporary authority to relocate Station WSTX-FM from its authorized site at Blue Mountain, Christiansted, U.S. Virgin Islands, to a site adjacent to co-owned Station WSTX(AM) at Fort Louise Augusta in Christiansted.

In your May 15, 2000, STA request, you stated that Hurricane Lenny did extensive damage to Station WSTX-FM on November 18, 1999. You further stated that because of the damage to Station WSTX-FM's tower, studio-to-transmitter link and transmitter, which were located on the top of Blue Mountain, you immediately decided to relocate Station WSTX-FM's transmitter and antenna to a site at Fort Louise Augusta adjacent to where Station WSTX(AM) is located. On the basis of these representations, the Mass Media Bureau's Audio Services Division determined that your STA request satisfied its criteria for a temporary change in transmitter site and granted Family Broadcasting STA to operate Station WSTX-FM's transmitter at the Fort Louise Augusta site on June 12, 2000.¹

However, information before the Commission indicates that you did not relocate Station WSTX-FM's transmitter from its authorized site at Blue Mountain to the Fort Louise Augusta site as a result of damage caused by Hurricane Lenny on November 18, 1999. Rather, it appears from the information before us that Family Broadcasting has operated Station WSTX-FM's transmitter at the Fort Louise Augusta site since at least January 1997.

¹ Letter to G. Luz A. James, Esq. from Edward P. De La Hunt, Assistant Chief, Audio Services Division, Mass Media Bureau (June 12, 2000). The Audio Services Division granted the STA "without prejudice as to whatever action the Commission may take with respect to any unauthorized or improper operation of Station WSTX-FM."

Based on the foregoing, it appears that you may have willfully misrepresented facts to the Commission in your May 15, 2000, STA request. The Commission views misrepresentation of facts by a licensee as a serious matter. In order to assist the Commission in determining what, if any, enforcement action may be appropriate, you are directed to respond to the following specific questions:

1) State the earliest date and the most recent date on which Family Broadcasting operated Station WSTX-FM's transmitter at its authorized site at Blue Mountain (geographic coordinates 17°45'20" North latitude and 064°47'55" West longitude). You should provide any written documentation available (e.g., lease agreements) which show that Family Broadcasting operated Station WSTX-FM's transmitter at its authorized site at Blue Mountain on these dates.

2) State the date on which Family Broadcasting relocated Station WSTX-FM's transmitter from its authorized site at Blue Mountain to the site at Fort Louise Augusta.

3) State the reason why Family Broadcasting relocated Station WSTX-FM's transmitter from its authorized site at Blue Mountain to the site at Fort Louise Augusta.

4) State whether Family Broadcasting currently holds a lease for Station WSTX-FM's authorized transmitter site at Blue Mountain. If not, state when the lease for the Blue Mountain site terminated and describe the circumstances surrounding the termination of the lease. If so, provide a copy of the lease agreement.

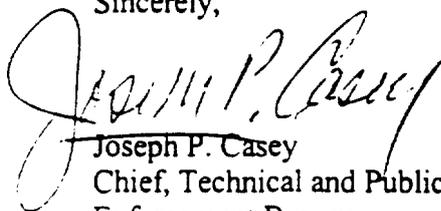
5) Describe what steps, if any, Family Broadcasting has taken to return Station WSTX-FM's transmitter to its authorized site at Blue Mountain.

You should send your sworn, written response to this inquiry and any supporting documentation by fax and mail so that they are received at the Commission no later than August 14, 2000. Your response should be faxed to (202) 418-2618 and mailed to:

Kathryn Berthot
Technical and Public Safety Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 7-C802
Washington, D.C. 20554

Any questions concerning this matter should be directed to Kathryn Berthot at (202) 418-7454.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph P. Casey". The signature is written in a cursive style with a large initial "J".

Joseph P. Casey
Chief, Technical and Public Safety Division
Enforcement Bureau

Via fax to: Barbara James-Petersen, General Manager

ATTACHMENT DD



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
TECHNICAL & PUBLIC SAFETY DIVISION
445 12th STREET S.W ■ WASHINGTON, D.C. 20554
TEL: (202) 418-1160 ■ FAX: (202) 418-7290

FAX TRANSMISSION

TO: Barbara James-Petersen
General Manager, Family Broadcasting, Inc.

fax: 340-773-8515
tel: 340-773-0390

FROM: Kathryn Berthot

tel: 202-418-7454

DATE: 19 JULY, 2000

PAGES: 4 (including cover page)

MESSAGE: Ms. James-Petersen -

I am advancing you a copy of this letter by fax to give Family Broadcasting, Inc. sufficient time to prepare a response. A copy of this letter is also being sent today by certified mail, return receipt requested. Please note that a response to this letter is due to the Commission by August 14, 2000. If you have any questions, you can reach me at the phone number listed above.

**IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL
(202) 418-7454.**

EXHIBIT B

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

RECEIVED
APR - 4 2001
FCC MAIL ROOM

In the Matter of)
)
FAMILY BROADCASTING, INC.) EB Docket No. 01-39
)
Order to Show Cause Why the Licenses for)
Stations WSTX(AM) and WSTX-FM,)
Christiansted, U.S. Virgin Islands,)
Should Not Be Revoked)
)
TO: Enforcement Bureau

ANSWERS TO REQUESTS FOR ADMISSIONS

Family Broadcasting, Inc., by its attorney, hereby submits the following Answers to Admissions, responsive to the Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.
6. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.
7. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

8. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

9. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

10. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

11. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

12. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

13. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

14. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

15. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

16. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

17. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

18. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

19. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

20. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

21. Admitted.

22. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

31. Admitted.

32. Admitted.

33. Admitted.

34. Admitted.

35. Admitted.

36. Admitted.

37. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

38. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

39. Admitted.

40. When Family Broadcasting, Inc., bought WSTX(AM) there was no tower, because it had been destroyed by Hurricane Hugo in 1989. By 1994, however, I believe that the tower had been replaced.

41. I cannot say what my father meant when he used the term “up to snuff”, but I am reasonably certain that the tower had been replaced. It was destroyed by Hurricane Marilyn in 1995

and re-erected, but the new tower was also destroyed by Hurricane Lenny in 1999.

42. See responses to 40 and 41.

43. I do not know what power we were using in October of 1994, and have not been able to determine that fact one way or the other.

44. See response to 43.

45. Admitted.

46. Admitted

47. Admitted.

48. Admitted.

49. Admitted.

50. Admitted.

51. Admitted.

52. Admitted.

53. Admitted.

54. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

55. Admitted. While I do not know my father's state of mind, it appears that this claim was false.

56. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

57. Admitted. While I do not know my father's state of mind, it appears that this claim was false.

58. Admitted.

59. Admitted.

60. Admitted.

61. Admitted; however, we have always had program logs even though I have been advised by counsel that they are not required.

62. Admitted.

63. Admitted.

64. Admitted.

65. Admitted.

66. Admitted.

67. Admitted.

68. Admitted.

69. Admitted.

70. Admitted.

71. Admitted.

72. Admitted.

73. Admitted.

74. Admitted.

75. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

76. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

77. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

78. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

79. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

80. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

81. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

82. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

83. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

84. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

85. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

86. Admitted.

87. Admitted.

88. Admitted.

89. Admitted.

90. Admitted.

91. Admitted.

92. Admitted.

93. Admitted.

94. Admitted.

95. By the time I returned to the radio station in July of 1998, there was a fence completely enclosing the AM tower and we had to use a key to get in. I cannot say for sure when the fence was installed.

96. See response to 95.

97. Admitted.

98. Admitted. While I do not know my father's state of mind, it appears that this claim was false.

99. Admitted.

100. Admitted.

101. Admitted.

102. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

103. Admitted. While I do not know my father's state of mind, it appears that this claim was false.

104. Admitted.

105. Admitted. While I do not know my father's state of mind, it appears that this claim was false.

106. Admitted.

107. Admitted, but on this occasion I did not accompany him when he went up the hill to the actual antenna site.

108. Admitted.

109. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

110. Admitted, based upon paper or electronic documents which I have seen or which have been researched by counsel.

111. Admitted.

112. Admitted.

113. Admitted.

114. Admitted.

115. Admitted.

116. Admitted.

117. Admitted.

118. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted. (I did not accompany the inspector to the top of the hill on this occasion.)

119. Admitted.

120. Admitted.

121. Admitted.

122. Admitted.

123. Admitted (but we always had program logs).

124. The EAS equipment was functional, but the printer, attached to the equipment, was not.

125. Admitted.

126. Admitted, based upon paper or electronic documents which I have seen or which has been researched by counsel.

127. Admitted.

128. Admitted; but I do not believe that the one bay antenna was ever lowered from 50 ft. to 20 ft.

129. Admitted.

130. Admitted.

131. Admitted.

132. Admitted.

133. Admitted.
134. Admitted. (I discovered the break during the inspection and had it fixed.)
135. Admitted.
136. Admitted.
137. Admitted.
138. Admitted. I picked it up at the mailbox and gave it to my father, thinking that he would take care of it.
139. Admitted.
140. Admitted.
141. Admitted.
142. Admitted.
143. Admitted.
144. Admitted in part. We lost the tower, but it wasn't 250 ft. in height.
145. See 144.
146. Admitted.
147. Admitted.
148. Admitted. While I do not know my father's state of mind, it appears that this claim was false.
149. Admitted.
150. Admitted.
151. Admitted.
152. Admitted.
153. Admitted. However, our new counsel has requested an STA.

154. Admitted. However, new counsel has requested an STA.

155. Admitted.

156. Admitted.

157. Admitted.

158. Admitted.

159. Admitted. I gave it to my father and assumed that he would take care of it.

160. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

161. Admitted.

162. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

163. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

164. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

165. Admitted.

166. Admitted.

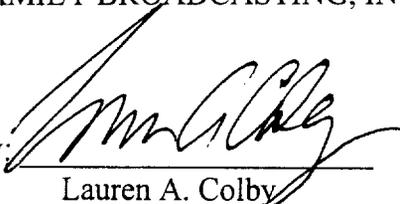
167. I have not been able to personally verify these facts, but I believe them to be true. Therefore, they are admitted.

Respectfully submitted,

FAMILY BROADCASTING, INC.

April 2, 2001

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

By: 

Lauren A. Colby
Its Attorney

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 3rd day of April, 2001, to the offices of the following:

Honorable Richard L. Sippel
Administrative Law Judge
F.C.C.
445 12th Street, S.W.
Room 1-C768
Washington, D.C. 20554

Charles Kelley, Esq.
James Shook, Esq.
Kathy Berthot, Esq.
Enforcement Bureau
Investigations/Hearing Division
F.C.C.
445 12th Street, S.W.
Room 3-B443
Washington, D.C. 20554


Traci Maust