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Federal Communications Commission
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Washington, D. C. 20554

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE:

May 12, 2003

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FCC PROPOSES TO FINE WESTERN WIRELESS \$200,000 FOR UNAUTHORIZED OPERATION RESULTING FROM NONCOMPLIANCE WITH ENVIRONMENTAL RULES

Washington, D.C. – Today, the Commission released a Notice of Apparent Liability for Forfeiture (“NAL”) proposing that Western Wireless Corporation and its wholly owned subsidiary, WWC Holding Co., Inc. (collectively “Western”), be held liable for a \$200,000 forfeiture for operating radio transmitting equipment from an unauthorized location in violation of the Communications Act.

Western constructed a 180-foot tower on a ridge overlooking Medora, North Dakota, near sites that are listed or eligible for listing in the National Register of Historic Places (“National Register”). The NAL concludes that Western’s tower significantly affects these Historic Properties and that Western was required to comply with the Commission’s environmental rules and obtain authorization prior to constructing its tower and operating from the tower. As a result, Western did not have authority to operate its tower and its continued unauthorized operation apparently violates Section 301 of the Communications Act. The Commission, therefore, proposes that Western be held liable for a \$200,000 forfeiture.

This is the first case in which the Commission has proposed a monetary forfeiture for an unlawful operation that stems from an apparent failure to comply with the Commission’s environmental rules.

Action by the Commission on May 6, 2003, by Notice of Apparent Liability for Forfeiture (FCC 03-109). Chairman Powell (issuing a separate statement), Commissioners Abernathy, Copps, Martin and Adelstein.

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**STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

Re: Western Wireless Corporation and WWC Holding Co., Inc., Licensee of Cellular Radio Station KNKN343, CMA583 – North Dakota 4 – McKenzie RSA; Notice of Apparent Liability for Forfeiture

I recently announced a comprehensive, proactive approach for addressing the Commission's responsibilities in the communications tower-siting area. Enforcement action, where necessary, will be an integral part of this approach as demonstrated by our action today.

As I described in the Action Plan, the siting of communications towers places a number of worthy, but competing, federal interests in tension -- widespread deployment of advanced telecommunications networks, the protection of birds and endangered species, aviation safety, and the preservation of historic and cultural sites, to name a few. Balancing these interests requires cooperation from a number of interested parties -- including state and federal agencies, Indian tribes, environmental groups, and the communications and tower industries.