

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

In the Matter of	)	File No.: EB-02-HL-038
	)	
New Wave Broadcasting, L.P.	)	NAL/Acct. No. 200232860001
Licensee, Station KPOI-FM	)	
Honolulu, Hawaii 96815	)	FRN 0005-3920-22

**FORFEITURE ORDER**

**Adopted: July 29, 2002**

**Released: August 1, 2002**

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of two thousand dollars (\$2,000) to New Wave Broadcasting, L.P. (“New Wave”), licensee of Station KPOI-FM, Honolulu, Hawaii, for willful and repeated violation of Section 11.61(a)(1)(v) of the Commission’s Rules (“the Rules”).<sup>1</sup> The noted violation involves New Wave’s failure to retransmit the Emergency Alert System required monthly test.

2. On May 16, 2002, the Commission’s Honolulu, Hawaii Resident Agent Office, issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”)<sup>2</sup> in the amount of \$2,000 to New Wave. New Wave has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED THAT**, pursuant to Section 503(b) of the Communications Act of 1934, as amended, (“the Act”),<sup>3</sup> and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,<sup>4</sup> New Wave Broadcasting, L.P. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$2,000 for willfully and repeatedly violating Section 11.61(a)(1)(v) of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules<sup>5</sup> within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>6</sup> Payment shall be made by mailing a check or similar instrument, payable to the order of the “Federal Communications Commission,” to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200232860001, and FRN 0005-

<sup>1</sup> 47 C.F.R. § 11.61(a)(1)(v).

<sup>2</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200232860001 (Enf. Bur., Honolulu Resident Agent Office, released May 16, 2002).

<sup>3</sup> 47 U.S.C. § 503(b).

<sup>4</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

<sup>5</sup> 47 C.F.R. § 1.80.

<sup>6</sup> 47 U.S.C. § 504(a).

3920-22. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>7</sup>

5. **IT IS FURTHER ORDERED THAT** this *Order* shall be sent by regular mail and by certified mail, return receipt requested, to New Wave Broadcasting, L.P., 1833 Kalakaua Avenue, Suite 500, Honolulu, Hawaii 96815.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau

---

<sup>7</sup> See 47 C.F.R. § 1.1914.