

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FLETCHER, HEALD & HILDRETH

In the Matter of)

Four Corners Broadcasting, LLC,
Licensee of)

Station KIUP, Facility ID 22039
Durango, Colorado, and)

Station KIQX, Facility ID 22174,
Durango, Colorado)

Station KRSJ, Facility ID 22036,
Durango, Colorado)

File No. EB-FIELDWR-12-00004019

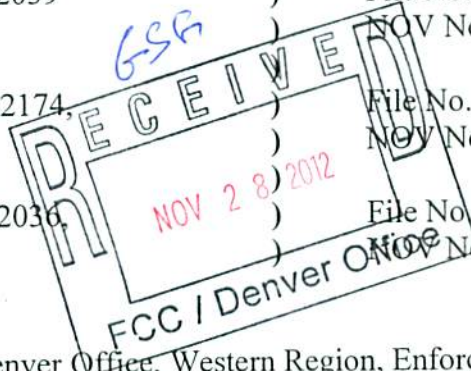
NOV No. V201332800009

File No. EB-FIELDWR-12-00004020

NOV No. V201332800010

File No. EB-FIELDWR-12-00004017

NOV No. V201332800011



To: District Director, Denver Office, Western Region, Enforcement Bureau

CONSOLIDATED RESPONSES TO NOTICES OF VIOLATION

Four Corners Broadcasting, LLC ("FCB"), by its attorneys, hereby responds to the above-captioned Notices of Violation (the "NOVs"), released November 8, 2012. As demonstrated herein, FCB disputes certain of the allegations and acknowledges certain others. As the facilities of the above-captioned Stations are co-located in Durango, Colorado, FCB seeks leave to answer the allegations in a consolidated response. Each allegation will be addressed in turn.

DISCUSSION

A. *47 C.F.R. § 11.35(a) – EAS monitoring logs.* The Commission alleges that the logs for the Stations failed to indicate why the May 2012 Required Monthly Test was not received or transmitted. The Commission also contends that the Stations' logs failed to indicate why, for the period May 6, 2012 – August 18, 2012, "numerous" weekly receive tests were missing from EAS source KGJT/NWS and "numerous" transmit Required Weekly Tests were

also missing. These stations' EAS equipment was upgraded to CAP-compliant equipment in November 2011. As reported in the Stations' post-Nationwide EAS Test reports filed with the Commission in 2011, the nationwide test failed (the Stations received the test initially, but it was delayed then stopped prematurely). For the next eight months, the new CAP-compliant equipment experienced similar difficulties, receiving weekly and monthly tests intermittently or with errors. FCB's chief operator did not log the multiple failures of receive tests (and corresponding transmit failures) during the first part of 2012 as he was under the impression that, as it was a recognized statewide problem, stations were not expected to maintain a log of the non-occurrence of transmissions. FCB has now placed notations in the logs to account for the time the equipment was not operational.

During the August 24, 2012 inspection, FCC agent Jon Sprague identified some operational issues with the EAS equipment and instructed the Station staff on adjustments which could be made to the equipment to improve receipt of tests and on methods for retrieving data embedded in the equipment. Since then, no further issues have been experienced with regard to receipt or transmission of required monthly or weekly EAS tests.

B. 47 C.F.R. § 11.52(d)(1) – EAS sources. The NOVs allege that the Stations were monitoring incorrect EAS sources. The licensee acknowledges that the EAS sources monitored are not those designated by the Colorado EAS Plan, but disputes that this should be grounds for finding liability. On the day of the FCC inspection and currently, the Stations monitor KRMJ, Grand Junction, CO, as their LP-1 source, and KJGT/NWS, Grand Junction, CO, as their LP-2 source. The Colorado EAS Plan directs Stations KIQX and KIUP to monitor KIUP as their LP-1; KIUP is to monitor KIQX as its LP-2; and KRSJ is to monitor KIQX as its LP-1. In other words, the Stations are to monitor themselves. KIQX and KRSJ are further assigned to monitor KREZ-TV as their LP-2. However, KREZ-TV, which is assigned to monitor KIQX, simply rebroadcasts

the co-owned Albuquerque, New Mexico station KRQE(DT), which airs emergency alerts originating from New Mexico.

As was explained to the FCC agent during this inspection and on previous occasions, KIQX and KIUP, each of which is to operate as either LP-1 or LP-2 for other stations, are unable to reliably receive the designated primary Colorado EAS signal originating from KOA(AM), Denver. As demonstrated by the attached contour map (Exhibit A), even the KOA fringe contour does not reach La Plata County, where Durango is located. It is therefore technologically and physically impossible to monitor the over-the-air signal of KOA from any of the FCB stations in Durango. FCB has complained to the Colorado Broadcasters Association, but FCB has been advised not to expect much progress on revisions to the Colorado Table of Broadcast Monitoring Assignments (which has not been amended since 2002) while the Colorado SECC remains understaffed. In the meantime, FCB has determined that monitoring KRMJ and KGJT/NWS are the most appropriate alternatives to ensure that emergency alerts relevant to the population in the Durango listening areas are reliably received and delivered.

C. 47 C.F.R. § 73.1870(b)(3) – Chief Operator. A written designation of the Stations' chief operator, Clark Hoffer, was posted with each station license within 24 hours of the inspection.

CONCLUSION

FCB is a dedicated broadcaster and takes seriously its responsibility to maintain FCC regulatory compliance and provide quality service to its communities at all times. In light of the foregoing refutations of alleged violations and the swift remedial actions undertaken by FCB regarding the acknowledged violations, FCB respectfully requests that no further action be taken by the Commission.

FOUR CORNERS BROADCASTING, LLC

By: 

Frank R. Jazzo

Davina S. Sashkin

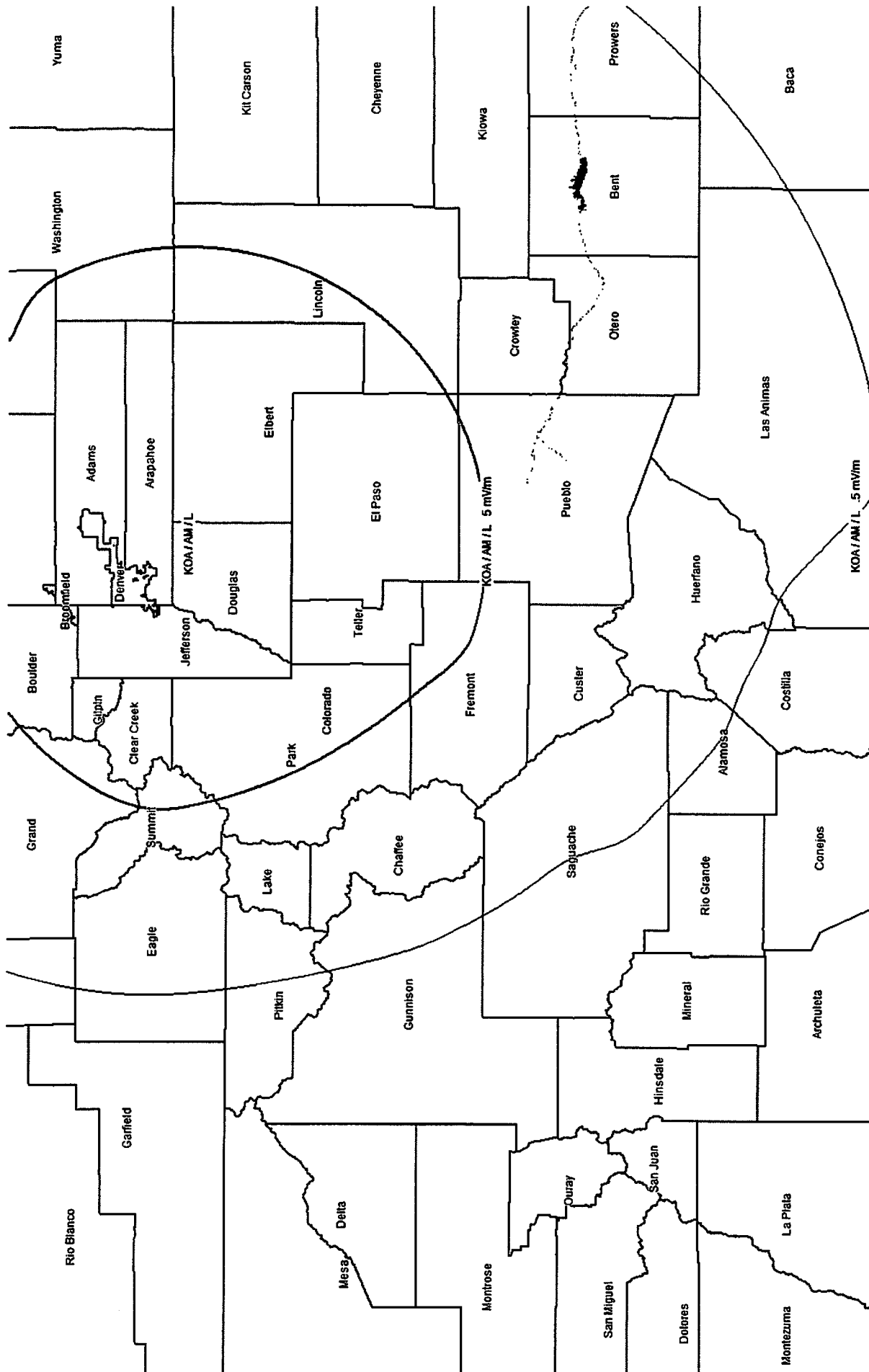
Its Attorneys

Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
703-812-0400

November 27, 2012

EXHIBIT A

KOA Contour Map



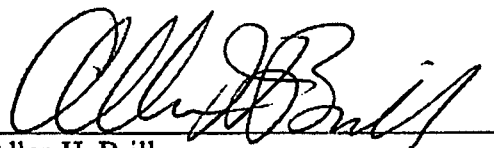
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| BIAMapX: | Latitude: N38-35-11.71 Longitude: W105-27-21.48 | BIAMapX Copyright 1995-2006 BIA Financial Network, Inc. |
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DECLARATION OF ALLEN H. BRILL

I, Allen H. Brill, do hereby declare under penalty of perjury, that:

1. I am the Managing Member of Four Corners Broadcasting, LLC.
2. I have reviewed the enclosed Consolidated Responses to Notices of Violation regarding File Numbers EB-FIELDWR-12-00004019 (V201332800009), EB-FIELDWR-12-00004020 (V201332800010), and EB-FIELDWR-12-00004017 (V201332800011).
3. The facts and representations stated in the Consolidated Responses are true and accurate to the best of my knowledge and belief.

Executed on this 27 day of November, 2012.

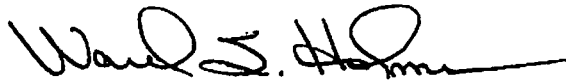

Allen H. Brill

DECLARATION OF WARD HOLMES

I, Ward Holmes, do hereby declare under penalty of perjury, that:

1. I am the Regional Manager for Four Corners Broadcasting, LLC.
2. I have reviewed the enclosed Consolidated Responses to Notices of Violation regarding File Numbers EB-FIELDWR-12-00004019 (V201332800009), EB-FIELDWR-12-00004020 (V201332800010), and EB-FIELDWR-12-00004017 (V201332800011).
3. The facts and representations stated in the Consolidated Responses are true and accurate to the best of my knowledge and belief.

Executed on this 27 day of November, 2012.



Ward Holmes