

DISCLOSURE OF FCC VIOLATION NOTICE

The FCC issued violation notice File No. EB-FIELDWR-19-00028703 to KTPC-LP Venice, Calif. On March 13, 2019 an Agent of the FCC Enforcement Bureau noted no physical EAS log for the station. On July 11, 2019 a notice of violation was sent to Reach for the Top, Inc. (ATTACHMENT 1 BELOW). KTPC-LP responded to the Commission via letter (ATTACHMENT 2 BELOW) explaining that its logs were electronically stored with its EasyCAP EAS unit and accommodations were being pursued to export that to hard copy.

ATTACHMENT 1

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

In the Matter of)	
)	
Reach for the Top, Inc.)	
)	File No.: EB-FIELDWR-19-00028703
Licensee of LPFM Station KTPC-LP)	
)	
Facility ID Number 195799)	
)	
Venice, California)	

NOTICE OF VIOLATION

Released: July 11, 2019

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules (Rules)¹ to Reach for the Top, Inc. (Reach for the Top), licensee of LPFM Station KTPC-LP, Venice, California. Pursuant to section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On March 13, 2019, an Agent of the Enforcement Bureau’s Los Angeles Office inspected KTPC-LP and observed the following violation:

47 CFR § 73.1820(a)(1)(iii): “Station log. All stations: An entry of each test and activation of the Emergency Alert System (EAS) pursuant to the requirement of part 11 of this chapter and the EAS Operating Handbook. Stations may keep EAS data in a special EAS log which shall be maintained at a convenient location; however, this log is considered a part of the station log.” At the time of inspection, the agent observed that there was no log available.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,³ and section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Reach for the Top must submit a written statement concerning this matter within twenty (20) 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

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 U.S.C. § 308(b).

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 and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with section 1.16 of the Rules, we direct Reach for the Top to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Reach for the Top with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the Reach for the Top's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
Field@FCC.gov

6. This Notice shall be sent to Reach for the Top, Inc., 766 Sunset Avenue, Venice, CA 90291.

⁴ 47 CFR § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 CFR § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

7. The Privacy Act of 1974⁷ 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.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

ATTACHMENT 2

Before the
Federal Communications Commission

Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703

In the matter of)
)
Reach For The Top, Inc.)
)
Licensee of LPFM Station KTPC-LP) File No.: EB-FIELDWR-19-00028703
)
Facility ID Number 195799)
)
Venice, California)

RESPONSE

Dear Federal Communications Commission:

I, Ivonne Guzman, am an authorized Officer for Reach For The Top, Inc. and hereby declare under penalty of perjury that I have personal and direct knowledge of the representation being made herein to be true, accurate and that Reach For The Top, Inc. is in possession, custody and control of the information being provided. On March 13, 2019, the Agent of the Enforcement Bureau's Los Angeles Office inspected KTPC-LP and observed the following violation:

47 CFR73.1820(a)(1)(iii): "Station log. All Stations: An entry of each test and activation of the Emergency Alert System (EAS) pursuant to the requirements of part 11 and the EAS Operating Handbook. Stations may keep EAS data in a special EAS log which shall be maintained at a convenient location; however, this log is considered a part of the station log.:

Reach For The Top, Inc. utilizes a Viavi EasyCAP Encoder/Decoder 18.10 Emergency Management System. At the time of the visit by the Agent of the Enforcement Bureau's Los Angeles Office we were having trouble getting the reports out in a printed format. The action taken to correct the violation is: we are now working with a highly computer literate individual who has assisted us with programming the equipment to automatically print the EAS logs on a weekly basis and is placed in a three ring binder on a weekly basis, the logs have been included for your review. In addition, we have placed the EAS operating handbook in a three ring binder in an accessible location for future inspections by the Enforcement Bureau and public.

Respectfully,

Ivonne Guzman, CEO
Reach For The Top, Inc.
www.reach4thetop.org
(323)867-2705