

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

In re)	
)	
CHINESE VOICE OF GOLDEN CITY	)	File No. BLL-20171120AAB
DKQLS-LP, Las Vegas, Nevada	)	File No. BMLL-20190809AAL
	)	Facility ID # 194198
Expiration of License Pursuant)	
To 47 U.S.C. §312(g))	

TO: Honorable Marlene H. Dortch
Secretary of the Commission

ATTN: Chief, Audio Division,
Media Bureau

**OPPOSITION TO
PETITION FOR RECONSIDERATION**

Silver State Broadcasting, LLC (SSB), licensee of FM Translator Station K284CW, Winchester, Nevada, hereby respectfully submits this Opposition to the December 5, 2019 "Petition for Reconsideration" filed by Chinese Voice of Golden City ("CVGC"), the former licensee of Low Power FM Station KQLS-LP, 103.1 MHz, Las Vegas, Nevada. A "Motion for Leave to File Out of Time" is being simultaneously filed today. In support whereof, the following is shown:

Preliminary Statement

1. SSB's interest in the above-captioned application stems from its attempt to move K284CW from its current frequency assignment of 104.7 MHz to 103.1 MHz to resolve an interference

dispute with the licensee of FM Broadcast Station KJUL, 104.7 MHz, Moapa Valley, Nevada. See File No. 0000093597, filed December 17, 2019.

2. The FCC gave a descriptive public notice of its November 19, 2019 letter ruling that the KQLS-LP license had expired pursuant to 47 U.S.C. §312(g) in **Public Notice, Broadcast Actions, Report No. 49619**, at p. 3, released November 22, 2019 (see Exhibit A). Pursuant to Sections 1.106(f) and 1.4(e)(1), the due date for a Petition for Reconsideration was Monday, December 23, 2019.

3. As it turned out, CVGC filed its Petition for Reconsideration on December 5, 2019 through the new LMS filing platform, despite the fact that its prior applications had been filed through the CDBS filing platform. The undersigned had been following the CDBS database and the daily FCC releases titled "Pleadings", but did not become aware that CVGC had filed said petition until December 26, 2019, the first business day after December 23, 2019, upon making an inquiry to the Audio Division staff.

4. SSB's instant Opposition is being filed on the tenth calendar day subsequent to December 23, 2019, so no material delay or prejudice can result from the consideration of this pleading on its merits.

5. CVGC makes three arguments why the KQLS-LP license should be reinstated. First, it argues that the Audio Division

erred when it used the wrong geographic coordinates in its November 19 letter ruling. Second, it claims that 47 C.F.R. §73.1690(c)(11) applies to low power FM stations, and therefore it was entitled to correct an error in its licensed geographic coordinates which was less than three seconds of latitude and/or three seconds of longitude. Third, it posits that the Audio Division's action was arbitrary and capricious in violation of the Administrative Procedure Act, 5 U.S.C. §706(2)(A).

Incorrect Geographic Coordinates in the FCC Letter

6. This is a red herring. It is true that the Audio Division November 19 letter ruling states in its second paragraph:

Our records show that the licensed coordinates are: 35-1 1-24 N, 1 15-08-35

7. Section IV, question 2, of CVGC's construction permit application granted on November 20, 2014, File No. BNPL-20131115AGM, states CVGC's geographic coordinates as 36 degrees, not 35 degrees. In all other respects, the November 19 letter and KQLS-LP's authorized coordinates match (to the nearest whole second):

2.	Antenna Location Coordinates: (NAD 27)
	Latitude:
	Degrees 36 Minutes 11 Seconds 24 <input checked="" type="radio"/> North <input type="radio"/> South
	Longitude
	Degrees 115 Minutes 8 Seconds 35.2 <input checked="" type="radio"/> West <input type="radio"/> East

8. The Audio Division November 19 letter ruling did not claim that KQLS-LP was constructed 68 miles away from its

authorized site (approximate distance between one degree of latitude). Rather, the letter ruling relied on a CVGC representation in Exhibit 5 of its August 9, 2019 FCC Form 319 application, file number BMLL-20190809AAL, that KQLS-LP was constructed at a location 256 feet away from its licensed transmitter site coordinates:

Description: CORRECTION OF COORDINATES

THE LICENSEE HAS RECENTLY DETERMINED THAT THE COORDINATES INCLUDED IN ITS LICENSE APPLICATION WERE IN ERROR BY 256 FEET. THE CORRECT COORDINATES ARE: 36-11-21.6 N, 115-08-36.1 W. NO OTHER CORRECTIONS ARE BEING MADE TO THE ENGINEERING DATA PROVIDED IN THE LICENSEE'S TECHNICAL INFORMATION.

9. If anyone should be held at fault for a misrepresentation, it is CVCG, as its crucial certifications in the KQLS-LP Form 319 covering license application, File No. BLL-20171120AAB, Section II, questions 2 and 3, were clearly incorrect. Therein, CVCG affirmatively represented that its "facility was constructed as authorized in the underlying construction permit" and that its "facility was constructed in compliance with all special operating conditions, terms and obligations described in the construction permit".

Section III	
APPLICATION TO COVER A CONSTRUCTION PERMIT.	
1. Most recent construction permit file number (starts with the prefix BNPL or BMPL).	BNPL-20131115AGM
2. Constructed Facility. The facility was constructed as authorized in the underlying construction permit.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 3]
3. Special Operating Conditions. The facility was constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]

10. Interestingly, the KQLS-LP covering license application was filed on November 20, 2017 the day that its underlying

construction permit expired (the third anniversary of its grant on November 20, 2014). Had CVGC been truthful with the FCC on November 20, 2017 and revealed that its transmitter had not been constructed at the correct coordinates specified in its construction permit, its license application would have been denied and the KQLS-LP facilities would have been deleted. CVGC certainly had a motive to deceive the FCC when it prepared and filed BLL-20171120AAB the way that it did.

47 C.F.R. §73.1690(c) (11) Does Not Apply to LPFM Stations

11. We attach as Exhibit B the most recent text of Section 73.801 of the Commission's Rules available on Westlaw (as of December 26, 2019). Section 73.801 states the broadcast regulations outside of Part 73, Subpart G which are applicable to low power FM stations. Noticeably absent is Section 73.1690, which states the limited instances where primary broadcast stations can seek authority to make changes to their facilities on a license application rather than a construction permit application.

12. We would also point out that the instructions to FCC Form 319, on page one (Exhibit C), clearly state as follows:

The form may not be used:

To change location of the tower structure. Any such relocation requires the prior filing and approval of FCC Form 318. See 47 C.F.R. Section 73.875(b). [emphasis supplied]

13. Section 73.875(b) of the FCC's Rules states as follows:

(b) The following changes may be made only after the grant of a construction permit application on FCC Form 318.

(1) Any construction of a new tower structure for broadcast purposes, except for replacement of an existing tower with a new tower of identical height and geographic coordinates.

(2) Any change in station geographic coordinates, including coordinate corrections and any move of the antenna to another tower structure located at the same coordinates. [emphasis supplied]

(3) Any change in antenna height more than 2 meters above or 4 meters below the authorized value.

(4) Any change in channel.

14. Therefore, it is clear that Section 73.1690 of the FCC's Rules, upon which CVGC relies, does not apply to low power FM stations, and CVGC's petition for reconsideration is not well taken and must be denied.

The Letter Ruling Was Not Arbitrary and Capricious

15. The ruling case law on the precise facts of this case was stated over ten years ago in ***Eagle Broadcasting Group, Ltd. v. FCC***, 563 F. 3d 543 (D. C. Cir. 2009). Therein, the appellate court unanimously held that a broadcast station's license expired pursuant to 47 U.S.C. §312(g) where for a consecutive period of more than one year it failed to broadcast from a transmitter site authorized by the FCC, even though the station did broadcast signals from an unauthorized site and was arguably not "silent" for over 365 consecutive days.

16. The Audio Division recently acted in a manner consistent with Eagle in ***Shelby Broadcast Associates, LLC***, 34 FCC Rcd --, DA 19-676, 2019 WL 3252139 (July 19, 2019), where it affirmed the

deletion of the facilities of FM Translator Station W243AP, Mooresville, Alabama, for failing to transmit from an authorized site for more than twelve months. The FCC certainly has not treated CVGC differently than it treated the licensees in the **Eagle** and **Shelby** decisions.

17. The Enforcement Division "Notices of Violation" (NOV) cited by CVGC don't present the precise issue of the KQLS-LP case, as none of them involved a factual determination that the affected stations had been operated from unauthorized sites for over 365 consecutive days. For example, in the **North Alabama Public Broadcasters** case (Exhibit D), there is nothing in the NOV that indicates exactly how long the illegal transmissions were going on. In **305 Community Broadcasters** (Exhibit E), it appears that the time frame for the potential of illegal transmissions was between June 6 and August 22, 2018, less than three months, which would not trigger a 47 U.S.C. §312(g) license expiration. In **American Multi-Media Syndicate** (Exhibit F), the violations of Section 73.875 were observed on July 8 and August 22, 2018, well less than 366 consecutive days of violation which would trigger 47 U.S.C. §312(g). In **First Unitarian Universal Life Church of Hanford** (Exhibit G), while the Enforcement Bureau noted that KOOH-LP was operating at a site 1.71 miles away from its licensed site, the violation was observed on one particular day, and there is no

indication that the violation had been going on for 366 consecutive days.

18. In the **Edgewater** NOV (Exhibit H), the FCC states that its field agent discovered on May 2, 2019 that FM Translator Station K271BV, Santa Maria, California was operating at a site 11.7 miles away from its licensed site. There is no indication as to how long this illegal operation had gone on. In the **FRC of Alabama**, LLC NOV (Exhibit I), the Atlanta FCC field office determined that the licensee of FM Translator Station W287DH, Huntsville, Alabama was operating from an unauthorized site on November 15, 2018, and requested that the licensee provide further information about W287DH's operations. Noteworthy is the statement in paragraph 1 of the NOV that "issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted". Finally, with respect to the NOV sent to N Content Marketing (in which Roy Henderson is a principal) (Exhibit J), it would appear that the FCC's inquiry into WQAN(FM), Beulah, Michigan was incomplete at the time of the issuance of the NOV, as the facts stated in the letter do not make any findings one way or the other whether this station had been operated from an unauthorized site for over one year.

19. By contrast, we have an actual admission in File No. BMLL-20190809AAL from CVGC, the licensee of KQLS-LP, that from the inception of the station in November, 2017 until August 2019, a

period of over one year and eight months, that its transmitter was not located at the transmitter site coordinates stated in its station license, but rather was 256 feet away. The FCC rules and instructions are clear that CVGC had an obligation to file an FCC Form 318 application to correct its geographic coordinates. It failed to do so within twelve months of the date upon which it represented to the FCC that it had constructed its station in accordance with its construction permit. The ruling law stated in **Eagle** and restated in **Shelby** was correctly applied with respect to KQLS-LP. There is no violation of the Administrative Procedure Act. The CVGC "Petition for Reconsideration" must be summarily dismissed or denied.

Conclusion

20. The CVGC petition fails on the facts and on the law. It must be rejected forthwith. SSB urges that the FCC grant expedited action on this matter, to assist SSB in resolving the interference complaint lodged by KJUL(FM), Moapa Valley, Nevada against SSB's K284CW.

WHEREFORE, it is urged that the Petition for Reconsideration
filed by Chinese Voice of Golden City **BE DISMISSED OR DENIED.**

Respectfully submitted,

SILVER STATE BROADCASTING, LLC

A handwritten signature in black ink, appearing to read "D. Kelly", written over a horizontal line.

By _____
Dennis J. Kelly
Its Attorney

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DATED AND FILED: January 2, 2020



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49619

Broadcast Actions

11/22/2019

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>N A T U R E O F A P P L I C A T I O N</u>
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Actions of: 11/19/2019

FM TRANSLATOR APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

GA	BAL-20190919AAV	W222AF 83640	IMMANUEL BROADCASTING NETWORK, INC. GA, MARIETTA	Voluntary Assignment of License From: IMMANUEL BROADCASTING NETWORK, INC. To: EDUCATIONAL MEDIA FOUNDATION Form 345
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GA	BALFT-20190919AAW	W223BP 148961	IMMANUEL BROADCASTING NETWORK, INC. GA, LITHIA SPRINGS	Voluntary Assignment of License From: IMMANUEL BROADCASTING NETWORK, INC. To: EDUCATIONAL MEDIA FOUNDATION Form 345
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LOW POWER FM APPLICATIONS FOR LICENSE TO COVER LICENSE CANCELLED

NV	BLL-20171120AAB	DKQLS-LP 194198	CHINESE VOICE OF GOLDEN CITY NV, LAS VEGAS	License to cover. License cancelled on 11/19/19 pursuant to §312(g).
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Code of Federal Regulations
Title 47. Telecommunication
Chapter I. Federal Communications Commission (Refs & Annos)
Subchapter C. Broadcast Radio Services
Part 73. Radio Broadcast Services (Refs & Annos)
Subpart G. Low Power FM Broadcast Stations (Lpfm) (Refs & Annos)

47 C.F.R. § 73.801

§ 73.801 Broadcast regulations applicable to LPFM stations.

Effective: February 8, 2019

[Currentness](#)

The following rules are applicable to LPFM stations:

[Section 73.201](#) Numerical definition of FM broadcast channels.

[Section 73.220](#) Restrictions on use of channels.

[Section 73.267](#) Determining operating power.

[Section 73.277](#) Permissible transmissions.

[Section 73.297](#) FM stereophonic sound broadcasting.

[Section 73.310](#) FM technical definitions.

[Section 73.312](#) Topographic data.

[Section 73.318](#) FM blanketing interference.

[Section 73.322](#) FM stereophonic sound transmission standards.

[Section 73.333](#) Engineering charts.

[Section 73.503](#) Licensing requirements and service.

[Section 73.508](#) Standards of good engineering practice.

[Section 73.593](#) Subsidiary communications services.

[Section 73.1015](#) Truthful written statements and responses to Commission inquiries and correspondence.

[Section 73.1030](#) Notifications concerning interference to radio astronomy, research and receiving installations.

[Section 73.1201](#) Station identification.

[Section 73.1206](#) Broadcast of telephone conversations.

[Section 73.1207](#) Rebroadcasts.

[Section 73.1208](#) Broadcast of taped, filmed, or recorded material.

[Section 73.1210](#) TV/FM dual-language broadcasting in Puerto Rico.

[Section 73.1211](#) Broadcast of lottery information.

[Section 73.1212](#) Sponsorship identification; list retention; related requirements.

[Section 73.1213](#) Antenna structure, marking and lighting.

[Section 73.1216](#) Licensee-conducted contests.

[Section 73.1217](#) Broadcast hoaxes.

[Section 73.1250](#) Broadcasting emergency information.

[Section 73.1300](#) Unattended station operation.

[Section 73.1400](#) Transmission system monitoring and control.

[Section 73.1520](#) Operation for tests and maintenance.

[Section 73.1540](#) Carrier frequency measurements.

[Section 73.1545](#) Carrier frequency departure tolerances.

[Section 73.1570](#) Modulation levels: AM, FM, and TV aural.

[Section 73.1580](#) Transmission system inspections.

[Section 73.1610](#) Equipment tests.

[Section 73.1620](#) Program tests.

[Section 73.1650](#) International agreements.

[Section 73.1660](#) Acceptability of broadcast transmitters.

[Section 73.1665](#) Main transmitters.

[Section 73.1692](#) Broadcast station construction near or installation on an AM broadcast tower.

[Section 73.1745](#) Unauthorized operation.

[Section 73.1750](#) Discontinuance of operation.

[Section 73.1920](#) Personal attacks.

[Section 73.1940](#) Legally qualified candidates for public office.

[Section 73.1941](#) Equal opportunities.

[Section 73.1943](#) Political file.

[Section 73.1944](#) Reasonable access.

[Section 73.3511](#) Applications required.

[Section 73.3512](#) Where to file; number of copies.

[Section 73.3513](#) Signing of applications.

[Section 73.3514](#) Content of applications.

[Section 73.3516](#) Specification of facilities.

[Section 73.3517](#) Contingent applications.

[Section 73.3518](#) Inconsistent or conflicting applications.

[Section 73.3519](#) Repetitious applications.

[Section 73.3520](#) Multiple applications.

[Section 73.3525](#) Agreements for removing application conflicts.

[Section 73.3539](#) Application for renewal of license.

[Section 73.3542](#) Application for emergency authorization.

[Section 73.3545](#) Application for permit to deliver programs to foreign stations.

[Section 73.3550](#) Requests for new or modified call sign assignments.

[Section 73.3561](#) Staff consideration of applications requiring Commission consideration.

[Section 73.3562](#) Staff consideration of applications not requiring action by the Commission.

[Section 73.3566](#) Defective applications.

[Section 73.3568](#) Dismissal of applications.

[Section 73.3584](#) Procedure for filing petitions to deny.

[Section 73.3587](#) Procedure for filing informal objections.

[Section 73.3588](#) Dismissal of petitions to deny or withdrawal of informal objections.

[Section 73.3589](#) Threats to file petitions to deny or informal objections.

[Section 73.3591](#) Grants without hearing.

[Section 73.3593](#) Designation for hearing.

[Section 73.3598](#) Period of construction.

[Section 73.3599](#) Forfeiture of construction permit.

[Section 73.3999](#) Enforcement of [18 U.S.C. 1464](#)—restrictions on the transmission of obscene and indecent material.

Credits

[[84 FR 2758](#), Feb. 8, 2019]

AUTHORITY: [47 U.S.C. 154](#), [155](#), [301](#), [303](#), [307](#), [309](#), [310](#), [334](#), [336](#), [339](#).

Current through December 26, 2019; 84 FR 70905.

INSTRUCTIONS FOR FCC FORM 319

APPLICATION FOR A LOW POWER FM
BROADCAST STATION LICENSE

GENERAL INSTRUCTIONS

- A. FCC Form 319 is used to apply for a new or modified low power FM (LPFM) broadcast station license. Specifically, it may be used:

To cover an authorized construction permit, provided that the facilities have been constructed in accordance with the provisions and conditions specified on the construction permit.

To replace a nondirectional antenna with a different type of nondirectional antenna with the same number of bays, **provided** that the radiation center height of the new antenna is not more than two meters above nor four meters below the currently licensed value. See 47 C.F.R. Section 73.875(c)(1)

To replace the transmission line with a different type of transmission line or a transmission line of a different length which requires a change in the transmitter power output to maintain the licensed effective radiated power. See 47 C.F.R. Section 73.875(c)(2).

To change the hours of operation of a station authorized to operate pursuant to a time-share agreement in accordance with 47 C.F.R. Section 73.872. See 47 C.F.R. Section 73.875(c)(3).

To amend a pending license application.

As ordered by the Commission or its staff.

The form **may not be used**:

To change location of the tower structure. Any such relocation requires the prior filing and approval of FCC Form 318. See 47 C.F.R. Section 73.875(b).

To increase the antenna radiation center height by more than two meters or decrease radiation center height by more than four meters from the value specified in the station's current construction permit or license. Any such modification requires the prior filing and approval of FCC Form 318. See 47 C.F.R. Section 73.875(c).

- B. The form consists of the following sections:

- I. General Information
- II. Legal Certifications

- III. Application to Cover a Construction Permit
- IV. Application to Modify Transmission Parameters of a Licensed Facility
- V. Application for Change in Hours of Operation
- VI. Engineering Specifications

- C. This application form makes many references to FCC rules. Applicants should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.):

- (1) Part 0 "Commission Organization"
- (2) Part 1 "Practice and Procedure"
- (3) Part 73 "Radio Broadcast Services"
- (4) Part 74 "Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t.; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

- D. Applicants that prepare this application in paper form should file an original and two copies of the application and all exhibits. Both electronic and paper filers should follow the procedures set forth in Part 0 and Part 73 of the Commission's Rules. Paper-filed amendments to previously filed license applications should be prepared and submitted in original and two copies and signed in the same manner as the original application. The amendment should contain the following information to identify the associated application:

- (1) Applicant's name
- (2) Facility ID#
- (2) Call letters or specify "NEW" station
- (3) Channel number
- (4) Station location
- (5) File number of application being amended (if known)
- (6) Date of filing of application being amended (if file number is not known)

- E. Applicants should provide all information requested by this application. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted defective or incomplete applications are also

Federal Communications Commission

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

In the Matter of)	
North Alabama Public Service Broadcasters)	
WQJJ-LP)	
	)	File No. EB-FIELDSCR-18-00028026
)	
Facility ID: 135721)	
)	
Jasper, Alabama)	

NOTICE OF VIOLATION

Released: December 6, 2018

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to North Alabama Public Service Broadcasters, licensee of Low Power FM (LPFM) station WQJJ-LP in Jasper, Alabama. 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 violation(s) noted herein.²

2. On November 14, 2018, based on a complaint, agents of the Enforcement Bureau's Atlanta Office investigated and found the following violations:

- a. 47 C.F.R. § 73.845: "Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization..." The station WQJJ-LP is licensed to operate from 33-50-50.00 N, 87-17-7.00 W. On November 14, 2018, agents observed that Station WQJJ-LP was transmitting from coordinates 33-50-00.27 N, 87-13-5.29 W, approximately 4 miles from its authorized location.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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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 violations and any remedial actions taken. Therefore, North Alabama Public Service Broadcasters 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 action(s) taken to correct each violation and preclude recurrence, and (iii) must include a timeline 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 North Alabama Public Service Broadcasters to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of North Alabama Public Service Broadcasters with personal knowledge of the representations provided in North Alabama Public Service Broadcasters' 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 licensee'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 and emailed to the following address:

Federal Communications Commission
Atlanta Regional Office
P.O. Box 1493
Powder Springs, GA 30127
FIELD@FCC.GOV

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 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 C.F.R. § 1.16.

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

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6. This Notice shall be sent to North Alabama Public Service Broadcasters at its address of record.

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

Ronald Ramage
Regional Director, Region Two
Enforcement Bureau

⁷ 5 U.S.C. § 552a(e)(3).

Federal Communications Commission

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

In the Matter of)	
)	
305 Community Radio, Inc	)	File No. EB-FIELDSCR-18-00027466
Licensee of Station WMIV-LP)	
)	
Facility ID: 191835)	
)	
Miami, Florida)	

NOTICE OF VIOLATION

Released: November 16, 2018

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to 305 Community Radio, Inc (305 CRI), licensee of Low Power FM (LPFM) station WMIV-LP in Miami, Florida. 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 violation(s) noted herein.²

2. On August 22, 2018, based on a complaint, agents of the Enforcement Bureau's Miami Office investigated and found the following violations:

- a. 47 C.F.R. § 73.845: "Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization..." WMIV-LP was authorized under its license in effect on August 22, 2018 to operate on frequency 107.9 MHz from coordinates 25° 43' 51" N latitude and 80° 14' 13" W longitude (NAD 27), with an antenna height of 62 meters radiation center above ground (RCAG). WMIV-LP had filed a construction permit application on June 6, 2018, which was granted on June 14, 2018, that authorized WMIV-LP to operate on 94.3 MHz from coordinates 25° 43' 60" N latitude and 80° 17' 26" W longitude (NAD 27) with an antenna height of 15 m RCAG. On August 22, 2018, agents determined that WMIV-LP was operating on 94.3 MHz from a

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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building rooftop at coordinates 25° 45' 17.9" N latitude and 80° 12' 32.4" W longitude (NAD 27), with an antenna height of approximately 45 meters RCAG. Thus, the station is operating at variance from both its licensed location and its authorized location with an unauthorized antenna height.

- b. 47 CFR § 73.875: "The following procedures and restrictions apply to licensee modifications of authorized broadcast transmission system facilities... (b) The following changes may be made only after the grant of a construction permit application on FCC Form 318. (1) Any construction of a new tower structure for broadcast purposes, except for replacement of an existing tower with a new tower of identical height and geographical coordinates. (2) Any change in station geographic coordinates, including coordinate corrections and any move of the antenna to another tower structure at the same coordinates. (3) Any change in antenna height more than 2 meters above or 4 meters below the authorized value..." A check of the Commission's licensing database shows that 305 CRI has not filed an application, nor has it been granted a construction permit, to operate from the antenna structure at the geographic coordinates and antenna height observed by agents on August 22, 2018.

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 violations and any remedial actions taken. Therefore, 305 CRI 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 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 305 CRI to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of 305 CRI with personal knowledge of the representations provided in 305 CRI's 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 licensee's possession, custody, control, or knowledge has been

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 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 C.F.R. § 1.16.

Federal Communications Commission

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 and emailed to the following address:

Federal Communications Commission
Atlanta Regional Office
P.O. Box 1493
Powder Springs, GA 30127
FIELD@FCC.GOV

6. This Notice shall be sent to 305 Community Radio, Inc. at its address of record.

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

Ronald Ramage
Regional Director, Region Two
Enforcement Bureau

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

⁷ 5 U.S.C. § 552a(e)(3).

Federal Communications Commission

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

In the Matter of)				
)				
American Multi-Media Syndicate Inc	)	File	No.		EB-FIELDSCR-18-
00026933)				
Licensee of Station WDKK-LP)				
)				
Facility ID: 191815)				
)				
Hollywood, Florida)				

NOTICE OF VIOLATION

Released: September

18, 2018

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to American Multi-Media Syndicate Inc (AMMS), licensee of Low Power FM (LPFM) station WDKK-LP in Hollywood, Florida. 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 violation(s) noted herein.²

2. On July 8 and August 22, 2018, agents of the Enforcement Bureau's Miami Office investigated and found the following violations:

- a. 47 CFR § 73.845: "Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization..." According to its license, WDKK-LP is authorized to operate on frequency 101.1 MHz from

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

coordinates 25° 59' 16" N latitude and 80° 15' 02" W longitude (NAD 27), with an antenna height of 13 meters radiation center above ground (RCAG). On July 8 and August 22, 2018, agents determined that radio station WDKK-LP was operating on 101.1 MHz from an antenna structure at coordinates 25° 55' 02.7" N latitude and 80° 09' 26.4" W longitude (NAD 27), with an antenna height of approximately 30 meters RCAG. Thus, the station is operating 12.2 kilometers from its authorized location with an unauthorized antenna height.

- b. 47 CFR § 73.875: "The following procedures and restrictions apply to licensee modifications of authorized broadcast transmission system facilities... (b) The following changes may be made only after the grant of a construction permit application on FCC Form 318. (1) Any construction of a new tower structure for broadcast purposes, except for replacement of an existing tower with a new tower of identical height and geographical coordinates. (2) Any change in station geographic coordinates, including coordinate corrections and any move of the antenna to another tower structure at the same coordinates. (3) Any change in antenna height more than 2 meters above or 4 meters below the authorized value..." A check of the Commission's licensing database shows that AMMS has not filed an application, nor has been granted a construction permit, to operate from the antenna structure at the geographic coordinates and antenna height observed by agents on July 8 and August 22, 2018.

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 violations and any remedial actions taken. Therefore, AMMS 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 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 AMMS to

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

Federal Communications Commission

support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of AMMS with personal knowledge of the representations provided in AMMS's 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 licensee'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
Columbia Regional Office
P.O. Box 1493
Powder Springs, GA 30127

6. This Notice shall be sent to AMMS at its address of record.

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

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 C.F.R. § 1.16.

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

⁷ 5 U.S.C. § 552a(e)(3).

Federal Communications Commission

Ronald Ramage
Regional Director, Region Two
Enforcement Bureau

Federal Communications Commission

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

In the Matter of)	
)	
First Unitarian Universal Life Church of Hanford	)	File No.: EB-FIELDWR-17-00025514
)	
Licensee of Station KOOH-LP)	
)	
Hanford, California)	

NOTICE OF VIOLATION

Released: June 5, 2018

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 the First Unitarian Universal Life Church of Hanford (First Unitarian), licensee of the low power FM station KOOH-LP in Hanford, 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 violation noted herein.²

2. On November 15, 2017, Agents of the Enforcement Bureau's Los Angeles Office inspected the radio station KOOH-LP, and observed the following violation:

47 C.F.R. 73.845: "Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization." The radio license for KOOH-LP authorizes its transmitting antenna to be located at 12175 Lacey Boulevard, Hanford, California, at coordinates N 36° 19' 40", W 119° 40' 34". At the time of the inspection, Agents observed that the actual location of the transmitting antenna was located at 101 N. Irwin Street, Hanford, CA at coordinates of N 36° 19' 32.51" and W 119° 38' 50.41", revealing a discrepancy of approximately 1.71 miles.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

Federal Communications Commission

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 violations and any remedial actions taken. Therefore, First Unitarian 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 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 First Unitarian to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of First Unitarian with personal knowledge of the representations provided in the First Unitarian 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 licensee'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 First Unitarian Universal Life Church of Hanford, at 12175 Lacey Blvd., Hanford, CA 93230 its address of record.

³ 47 U.S.C. § 308(b).

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.

Federal Communications Commission

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).

Federal Communications Commission

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

In the Matter of)	
)	
Edgewater Broadcasting, Inc.	)	File No. EB-FIELDWR-19-00029012
Licensee of Station K271BV)	
)	
Facility ID: 148589)	
)	
Twin Falls, Idaho)	

NOTICE OF VIOLATION

Released: June 21, 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 Edgewater Broadcasting, Inc. (Edgewater), licensee of FM translator station K271BZ in Santa Maria, California. Pursuant to section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On May 2, 2019, an Agent of the Enforcement Bureau's Los Angeles Office monitored station K271BV in Santa Maria, CA and found the following violation:

- a. 47 CFR § 74.1251(b)(4): "Formal application on FCC Form 349 is required of all permittees and licensees for any of the following changes: ... Any change in the location of the translator or booster except a move within the same building or upon the same pole or tower." According to its license in effect at the time of monitoring, K271BV is authorized to operate from 34-58-38 N, 120-25-52 W. The Agent used direction-finding techniques and determined it was not transmitting from those coordinates. On May 6, 2019, in response to the Agent's questions, an Edgewater contract engineer stated K271BV was transmitting at coordinates 34-53-20 N, 120-35-52 W (approximately 11.3 miles from its licensed location). The Commission's records currently contain K271BV's formal application to modify the station's transmitting location to 34-53-53 N, 120-35-26 W. It was received by the Commission on May 9, 2019.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

Federal Communications Commission

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(s) and any remedial actions taken. Therefore, Edgewater 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 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 Edgewater to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Edgewater with personal knowledge of the representations provided in Edgewater's 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 licensee'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
Email: FIELD@FCC.GOV

6. This Notice shall be sent to Edgewater at its address of record and its counsel, Tom Golding, Edgewater Broadcasting Inc., 160 Gooding Street West, Suite B, Twin Falls, ID 83301.

³ 47 U.S.C. § 308(b).

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.

Federal Communications Commission

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).

Federal Communications Commission

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

In the Matter of)	
)	
FRC of Alabama, LLC)	
d/b/a Focus Radio Communications	)	File No. EB-FIELDSCR-18-00028052
Licensee of Station W287DH)	
)	
Facility ID: 200684)	
)	
Huntsville, Alabama)	

NOTICE OF VIOLATION

Released: December 12, 2018

By the Regional
Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to FRC of Alabama, LLC (FRC), licensee of Low Power FM (LPFM) station W287DH in Huntsville, Alabama. 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 violation(s) noted herein.²

2. On November 15, 2018, based on a complaint, agents of the Enforcement Bureau's Atlanta Office investigated and found the following violations:

47 C.F.R. § 74.751(b) Formal application (FCC Form 346) is required for any of the following changes ... (6) Any changes in the location of the transmitter except within the same building or upon the same pole or tower. The station W287DH is authorized to operate from 34-44-19 N, 086-31-56 W. On November 15, 2018, agents observed that Station W287DH was transmitting at coordinates 34-44-36.28 N, 86-31-56.03 W, approximately 0.33 miles from its authorized location. The Commission's records do not contain a formal application to modify the station's transmitting location as required by the Rules.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

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 violations and any remedial actions taken. Therefore, FRC 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 action(s) taken to correct each violation and preclude recurrence, and (iii) must include a timeline 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 FRC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of FRC with personal knowledge of the representations provided in FRC's 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 licensee'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 and emailed to the following address:

Federal Communications Commission
Atlanta Regional Office
P.O. Box 1493
Powder Springs, GA 30127
FIELD@FCC.GOV

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 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 C.F.R. § 1.16.

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

Federal Communications Commission

6. This Notice shall be sent to FRC of Alabama, LLC at its address of record.

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

Ronald Ramage
Regional Director, Region Two
Enforcement Bureau

⁷ 5 U.S.C. § 552a(e)(3).

Federal Communications Commission

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

In the Matter of)	
)	
N Content Marketing, LLC)	
)	
Licensee of Station WQAN	)	File No. EB-FIELDNER-19-00029265
Facility ID: 14646)	
)	
Beulah, Michigan)	

NOTICE OF VIOLATION

Released: July 25, 2019

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission's rules (Rules),¹ to N Content Marketing, LLC, licensee of station WQAN in Beulah, Michigan. 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 violation(s) noted herein.²

2. On June 18, 2019, an Agent of the Enforcement Bureau's Chicago Office investigated and found the following violations:

- a. 47 C.F.R. § 73.1350(a): "Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization." According to the WQAN license (File No. BLH-20110224AAJ), the authorized location for the station transmitter is 44° 36' 38" north latitude, 86° 09' 38" west longitude. The Chicago Agent's inspection revealed that the coordinates of the current location³ of WQAN's transmitter are 44° 46' 13" north latitude and 85° 41' 43" west longitude, which is 25 miles from the station's authorized location. According to

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ Station WQAN was utilizing the Antenna Structure No 1004108 which is owned by Blarney Stone Broadcasting, Inc. in Traverse City, Michigan.

Federal Communications Commission

WQAN's license, the authorized transmitter power output (TPO) is 11,500 watts with Effective Radiated Power (ERP) of 50,000 watts using a non-directional antenna. The Chicago Agent's inspection found that the transmitter had a maximum output power of 600 watts and was operating with an output power of 419 watts, which is 11,081 watts less than the authorized TPO. The Agent calculated that the 419 watts TPO combined with the antenna gain and feed line loss would result in an ERP of 1450 watts, which is 48,550 watts less than the authorized ERP. WQAN's license authorizes the use of a non-directional antenna; however, the Agent observed that a directional antenna was being used. A review of Commission records reveals that N Content Marketing, LLC's most recent STA for WQAN expired on February 6, 2019.⁴ According to Commission records, there is no pending STA request for WQAN, and no pending modification application.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,⁵ and section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, N Content Marketing, LLC 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 action(s) taken to correct each violation and preclude recurrence, and (iii) must include a timeline 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.⁶

4. In accordance with section 1.16 of the Rules, we direct N Content Marketing, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of N Content Marketing, LLC with personal knowledge of the representations provided in N Content Marketing, LLC's response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice which is in the

⁴ On August 10, 2018, the Commission granted a Special Temporary Authority (File No. BSTA-20180801ABH) authorizing operation of Station WQAN at its licensed transmitter site at reduced power due to transmitter issues.

⁵ 47 U.S.C. § 308(b).

⁶ 47 CFR § 1.89(c).

⁷ 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.

Federal Communications Commission

licensee'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.⁸

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

Federal Communications Commission
Enforcement Bureau
Columbia Regional Office
9050 Junction Drive
Annapolis, Maryland 20701

6. This Notice shall be sent to N Content Marketing, LLC, 13999 S. West Bayshore Drive, Traverse City, Michigan 49685 and its counsel, John Trent, Esq., 200 South Church Street, Woodstock, Virginia 22664.

7. The Privacy Act of 1974⁹ 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

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau
Federal Communications Commission

⁸ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁹ 5 U.S.C. § 552a(e)(3).

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing
"Opposition to Petition for Reconsideration" has been served
by both e-mail and first-class United States mail, postage
prepaid, on this 2nd day of January, 2020 upon the following:

James L. Winston, Esquire
Walter E. Diercks, Esquire
Rubin, Winston, Diercks, Harris
& Cooke, LLP
1250 Connecticut Avenue, NW, Suite 700
Washington, DC 20036
jwinston@rwdhc.com
wdiercks@rwdhc.com
Counsel for Chinese Voice of Golden City



Dennis J. Kelly