

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

In the Matter of
MMK LICENSE LLC
Licensee of Station WNKY(DT),
Bowling Green, Kentucky
File No.: EB-13-IH-0059
Acct. No.: 201432080010
FRN: 0008572927
Facility ID No.: 61217

ORDER

Adopted: November 5, 2013

Released: November 5, 2013

By the Acting Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau (Bureau) and MMK License LLC (Licensee). The Consent Decree resolves and terminates the Bureau’s investigation into the Licensee’s possible violations of Section 325(a) of the Communications Act of 1934, as amended, and Section 11.45 of the Commission’s rules (Rules) in connection with the broadcast on Station WNKY(DT), Bowling Green, Kentucky (Station) of a commercial that contained a simulated Emergency Alert System (EAS) Attention Signal, absent an actual emergency or authorized EAS test.

2. The Bureau and the Licensee have negotiated the terms of the Consent Decree that resolves this matter, including a detailed, three-year compliance plan requirement. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation.

4. In the absence of material new evidence relating to this matter, we conclude that our investigation raises no substantial or material questions of fact as to whether the Licensee possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

5. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 4(j), and 503(b) of the Communications Act of 1934, as amended, and Sections 0.111 and 0.311 of the Rules, the Consent Decree attached to this Order IS ADOPTED.

6. IT IS FURTHER ORDERED that the above-captioned investigation, as to the Station and/or the Licensee, IS TERMINATED.

1 See 47 U.S.C. § 325(a).

2 See 47 C.F.R. § 11.45 (titled “False or Deceptive EAS Transmissions”).

3 See 47 U.S.C. §§ 154(i), 154(j), 503(b); C.F.R. §§ 0.111, 0.311.

7. **IT IS FURTHER ORDERED** that any third-party complaints related to the above-captioned investigation and that are currently pending before the Enforcement Bureau **ARE DISMISSED** as of the date of this Consent Decree.

8. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to Licensee's counsel, Erwin G. Krasnow, Esq., Garvey Schubert Barer, 1000 Potomac Street, N.W., Washington, D.C. 20007.

FEDERAL COMMUNICATIONS COMMISSION

Robert H. Ratcliffe
Acting Chief, Enforcement Bureau

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MMK LICENSE LLC)	File No.: EB-13-IH-0059
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Bowling Green, Kentucky)	Facility ID No.: 61217
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CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) and MMK License LLC (MMK), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau’s investigation of MMK’s compliance with Section 325(a) of the Communications Act of 1934, as amended,¹ and Section 11.45 of the Commission’s rules² pertaining to a complaint alleging that MMK transmitted a commercial that contained a simulation of the EAS Attention Signal.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
 - (b) “Adopting Order” means the Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) “Any” shall be construed to include the word “all,” and the word “all” shall be construed to include the word “any.” Additionally, the word “or” shall be construed to include the word “and,” and the word “and” shall be construed to include the word “or.” The word “each” shall be construed to include the word “every,” and the word “every” shall be construed to include the word “each.”
 - (d) “Bureau” means the Enforcement Bureau of the Federal Communications Commission.
 - (e) “Commission” and “FCC” mean the Federal Communications Commission and all of its bureaus and offices.
 - (f) “Communications Laws” means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which MMK is subject by virtue of it being a Commission licensee, including but not limited to Section 325(a) of the Act and Section 11.45 of the Commission’s rules.

¹ See 47 U.S.C. § 325(a).

² See 47 C.F.R. § 11.45.

- (g) “Complainant” means the individual transmitting and filing the third-party complaint alleging violation of Section 325(a) of the Act and Section 11.45 of the Commission’s rules, received by, or in the possession of, the Bureau.
- (h) “Complaint” means the third-party complaint alleging violation of Section 325(a) of the Act and Section 11.45 of the Rules, received by, or in the possession of, the Bureau.
- (i) “Compliance Plan” means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 11.
- (j) “Compliance Officer” means the individual designated in paragraph 10 of this Consent Decree as the person responsible for administration of the Compliance Plan.
- (k) “Covered Employees” means all employees and agents of MMK who perform, or supervise, oversee, or manage the performance of, duties that relate to MMK’s responsibilities under the Act and Commission’s rules.
- (l) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (m) “Investigation” means the Bureau’s investigation of MMK’s compliance with Section 325(a) of the Act and Section 11.45 of the Commission’s rules, relating to a complaint alleging the broadcast of a commercial that contained a simulation of the EAS Attention Signal.
- (n) “LOI” refers to the June 25, 2012, Letter of Inquiry sent by the Bureau to MMK regarding File No. EB-13-IH-0059.
- (o) “MMK” means MMK License LLC and its predecessors-in-interest and successors-in-interest.
- (p) “Operating Procedures” means the standard, internal operating procedures and compliance policies established by MMK to implement the Compliance Plan.
- (q) “Parties” means MMK and the Bureau, each of which is a “Party.”
- (r) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (s) “Station” means commercial television Station WNKY(DT), Bowling Green, Kentucky (Facility ID No. 61217).

II. BACKGROUND

3. Pursuant to Section 325(a) of the Act, no person within the jurisdiction of the United States shall knowingly utter or transmit any false signals of distress.³ Additionally, Section 11.45 of the Rules prohibits the transmission of false or deceptive “EAS codes or Attention Signal[s], or a recording or simulation thereof, in any circumstance other than in an actual National, State, or Local Area emergency or authorized test of the EAS.”⁴

4. The Commission received a Complaint alleging that, on June 15, 2012, the Station broadcast a commercial containing an auditory signal that resembles the Emergency Alert System (EAS) Attention Signal, absent an emergency or authorized EAS test.⁵ The Complainant specifically alleges that “The Fan Wear & More Store is running an advertisement that stops in the middle of the commercial and sounds the exact tone used for the Emergency Alert warnings.”⁶ In response to the Complaint, the Bureau’s Investigations and Hearings Division sent a Letter of Inquiry to MMK directing the Licensee to submit, among other things, sworn written statements describing its compliance with Section 325(a) of the Act and Section 11.45 of the Rules.⁷ In its LOI Response, MMK does not dispute that it broadcast a simulation of an EAS tone, as described in the Complaint.⁸

5. MMK subsequently met with the Bureau for purposes of reaching an agreement to resolve outstanding issues related to its compliance with the Act and the Rules, and terminate the Bureau’s investigations.

III. TERMS OF AGREEMENT

6. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

7. **Jurisdiction.** MMK agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and that the Bureau has the authority to enter into and adopt this Consent Decree.

8. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the date on which the Bureau releases the Adopting Order. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Bureau to exercise any rights and remedies attendant to the enforcement of a Commission order.

9. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to

³ 47 U.S.C. § 325(a).

⁴ 47 C.F.R. § 11.45.

⁵ See Complaint, Form 2000A, Key No. 12-C004034150-1 (submitted on June 15, 2012) (on file in EB-13-IH-0059).

⁶ *Id.*

⁷ See Letter from Jeffrey J. Gee, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, to MMK License LLC, dated February 4, 2013 (LOI) (on file in EB-13-IH-0059).

⁸ See Letter from Erwin G. Krasnow, Counsel to MMK License LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, dated February 27, 2013 (LOI Response) (on file in EB-13-IH-0059).

terminate the Investigation. In consideration for the termination of the Investigation, MMK agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that in the absence of new material evidence, the Bureau will not use the facts developed in the Investigation through the Effective Date, or use the existence of this Consent Decree, to institute on its own motion any new proceeding, formal or informal, or take any action on its own motion against MMK concerning the matters that were the subject of the Investigation. The Bureau also agrees that in the absence of new material evidence it will not use the facts developed in the Investigation through the Effective Date, or use the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against MMK with respect to MMK's basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

10. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, MMK shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that MMK complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to possessing the general knowledge of the Communications Laws necessary to discharge his/her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of Section 11.45 of the Commission's rules and Section 325(a) of the Act.

11. **Compliance Plan.** For purposes of settling the matters set forth herein, MMK agrees that it shall, within sixty (60) calendar days of the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Communications Laws and with the terms and conditions of this Consent Decree. With respect to Section 325(a) of the Act and Section 11.45 of the Commission's rules, MMK shall implement the following procedures:

- (a) **Operating Procedures for Compliance with Section 325(a) of the Act and Section 11.45 of the Commission's rules.** Within sixty (60) calendar days after the Effective Date, MMK shall establish Operating Procedures that all Covered Employees must follow to help ensure MMK's compliance with Section 325(a) of the Act and Section 11.45 of the Commission's rules. MMK's Operating Procedures shall include internal procedures and policies specifically designed to ensure that MMK does not broadcast the EAS Attention Signal or EAS tones, or a simulation thereof, absent an emergency or authorized EAS test. MMK also shall develop a Compliance Checklist that describes the steps that a Covered Employee must follow to ensure that the Station will not be in violation of the Communications Laws regarding broadcast of the EAS Attention Signal or EAS tones or simulations thereof. At a minimum, the Compliance Checklist shall require at all times that at least two station employees, one of whom shall be a management-level employee, be involved in all aspects of all programming and commercials that might contain the broadcast of the EAS Attention Signal or EAS tones or simulations thereof.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. The Compliance Manual shall explain Section 325(a) of the Act and Section 11.45 of the Commission's rules, and set forth the Operating Procedures that Covered Employees shall follow to help ensure MMK's compliance with the Communications Laws. MMK shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and complete. MMK shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.

- (c) **Compliance Training Program.** MMK shall establish and implement a Compliance Training Program on compliance with Section 325(a) of the Act and Section 11.45 of the Commission's rules, and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of MMK's obligation to report any noncompliance with Section 325(a) of the Act and Section 11.45 of the Commission's rules under paragraph 12 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within ninety (90) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the Effective Date shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. MMK shall repeat the compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.
- (d) **EAS Public Education Program.** Within sixty (60) calendar days, MMK shall develop and put into effect a program to educate members of the public about the EAS alerts, the limits of public warning capabilities, and appropriate responses to emergency warning messages. Such public education program shall include the elements described in Attachment A hereto.

12. **Reporting Noncompliance.** MMK shall report any instance of noncompliance with Section 325(a) of the Act and Section 11.45 of the Commission's rules, and with the terms and conditions of this Consent Decree within thirty (30) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of (i) each instance of noncompliance; (ii) the steps that MMK has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that MMK has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, Room 4-C330, 445 12th Street, S.W., Washington, D.C. 20554, with a copy submitted electronically to Theresa Z. Cavanaugh at Terry.Cavanaugh@fcc.gov, Jeffrey J. Gee at Jeffrey.Gee@fcc.gov, Kenneth M. Scheibel, Jr. at Kenneth.Scheibel@fcc.gov, and to Jennifer A. Lewis at Jennifer.Lewis@fcc.gov. The reporting obligations set forth in this paragraph 12 shall expire thirty-six (36) months after the Effective Date.

13. **Compliance Reports.** MMK shall file Compliance Reports with the Commission ninety (90) days after the Effective Date, twelve (12) months after the Effective Date, twenty-four (24) months after the Effective Date, and thirty-six (36) months after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of MMK's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and Section 325(a) of the Act and Section 11.45 of the Commission's rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of MMK, stating that the Compliance Officer has personal knowledge that: (i) MMK has established and implemented Operating Procedures intended to ensure compliance with the terms and conditions of this Consent Decree and with Section 325(a) of the Act and Section 11.45 of the Commission's rules, together with an accompanying statement explaining the basis for the certification; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 12 hereof.

- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with Section 1.16 of the Commission's rules⁹ and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of MMK, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully:
 - (i) any instances of noncompliance with this Consent Decree and the Rules, and
 - (ii) the steps that MMK has taken or will take to remedy each instance of noncompliance and ensure future compliance, and the schedule on which proposed remedial action will be taken; and
 - (iii) the steps that MMK has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to the Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, Room 4-C330, 445 12th Street, S.W., Washington, D.C. 20554, with a copy submitted electronically to Theresa Z. Cavanaugh at Terry.Cavanaugh@fcc.gov, Jeffrey J. Gee at Jeffrey.Gee@fcc.gov, Kenneth M. Scheibel, Jr. at Kenneth.Scheibel@fcc.gov, and Jennifer A. Lewis at Jennifer.Lewis@fcc.gov.

14. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 9 through 13 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

15. **Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to Section 325(a) of the Act or Section 11.45 of the Commission's rules against MMK or its affiliates for alleged violations of the Act or the Commission's rules or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaints will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of MMK's noncompliance with the Communications Laws.

16. **Voluntary Contribution.** MMK agrees that it will make a voluntary contribution to the United States Treasury in the amount of thirty-nine thousand dollars (\$39,000) within thirty (30) calendar days after the Effective Date. MMK shall also send electronic notification of payment to Theresa Z. Cavanaugh at Terry.Cavanaugh@fcc.gov, Jeffrey J. Gee at Jeffrey.Gee@fcc.gov, Kenneth M. Scheibel, Jr. at Kenneth.Scheibel@fcc.gov, and Jennifer A. Lewis at Jennifer.Lewis@fcc.gov on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.¹⁰ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:¹¹

⁹ 47 C.F.R. § 1.16.

¹⁰ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹¹ Should MMK have questions regarding payment procedures, it should contact the Financial Operations Group Help Desk by phone at 1-877-480-3201, or by e-mail at ARINQUIRIES@fcc.gov.

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

17. **Waivers.** MMK waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Bureau issues an Adopting Order as defined herein without change, addition, modification, or deletion. MMK shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither MMK nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and MMK shall waive any statutory right to a trial *de novo*. MMK hereby agrees to waive any claims it may have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

18. **Invalidity.** The Parties agree that if a court of competent jurisdiction renders any of the provisions of the Adopting Order or the Consent Decree invalid or unenforceable, such invalidity or unenforceability shall not invalidate or render unenforceable the entire Adopting Order or Consent Decree, but rather the entire Adopting Order or Consent Decree shall be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly. In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

19. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which MMK does not expressly consent), that provision will be superseded by such Commission Rule or Order.

20. **Successors and Assigns.** MMK agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

21. **Admission of Liability.** MMK admits, solely for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 9 hereof, that the broadcast material at issue in this Consent Decree is in violation of 47 C.F.R. § 11.45, assuming construction of these terms as they are construed by the Bureau as of the date hereof. Notwithstanding any other provision of this Consent Decree, it is expressly agreed and understood that if this Consent Decree, specifically including paragraph 9 hereof, is breached by the Bureau, or is invalidated or modified to MMK's prejudice by the Commission, Bureau, or any court, then and in that event the provisions of the immediately-preceding sentence shall be of no force or effect whatever, and

MMK shall not, by virtue of that sentence or any other provision of this Consent Decree, be deemed to have made any admission concerning violations of 47 C.F.R. § 11.45.

22. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

23. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

24. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

25. **Authorized Representative.** The individual signing this Consent Decree on behalf of MMK represents and warrants that he is authorized by MMK to execute this Consent Decree and to bind MMK to the obligations set forth herein. The FCC signatory represents that he is signing this Consent Decree in his official capacity and that he is authorized to execute this Consent Decree.

26. **Counterparts.** This Consent Decree may be signed in any number of counterparts (including by facsimile), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

Robert H. Ratcliffe
Acting Chief
Enforcement Bureau

Date

MMK LICENSE LLC

By: _____
David J. Wilhelm
Vice President/Assistant Secretary

Date

ATTACHMENT A
EAS PUBLIC EDUCATION PROGRAM

MMK License LLC (MMK) shall initiate a concerted campaign to educate members of the public on the “what, where, when, who, why and how” of EAS alerts, the limits of public warning capabilities, and appropriate responses to emergency warning messages. The public education campaign will be integrated and coordinated with the disaster and emergency response agencies of Bowling Green, Warren County, the State of Kentucky, and federal agencies.

The campaign will include the following:

- Public service announcements (PSAs) to be aired on WNKY-DT and WNKY-DT2 immediately prior to or following the Weekly and Monthly EAS Tests to advise members of the viewing audience of the purpose and the length of the test and recommend that they should establish an emergency preparedness kit and emergency plan for themselves, their families, communities, and businesses.
- A minimum of 160 PSAs to be aired on WNKY-DT and WNKY-DT2 (80 PSAs per station) that will focus on emergency and disaster preparedness issues and will be aired throughout the broadcast day on both stations.
- Interviews with local emergency preparedness officials and vignette programs on emergency awareness topics to be aired at least twice a month on “Bowling Green Today”, a weekday morning program broadcast from 6:30-7:00 a.m. on WNKY-DT and from 9:00-9:30 a.m. on WNKY-DT2.
- Expansion of WNKY’s website (www.wnky.net) to include: (1) links to local emergency agencies and departments; (2) emergency-related information in the form of PSA-type banner messages; and (3) video preroll messages prepared in-house and from Federal Emergency Management Agency (FEMA) and local emergency preparedness agencies.
- Use of special radio equipment to be provided by Warren County Emergency Management (WCEM) to communicate directly with WCEM officials, including a Community Activated Lifesaving Voice Emergency System (CALVES) system that will relay alerts to the station’s master control personnel and an additional SkyCam at the station’s main transmitter tower. The CALVES unit is part of the Community Outdoor Warning System (COWS) in Bowling Green / Warren County. CALVES is an indoor system and provides schools, factories, large businesses, public libraries, etc., with lifesaving information. In addition to providing an alert tone, CALVES is tapped into NOAA weather radio alerts and WCEM can activate the CALVES units for area emergencies, and speak into the CALVES system. The COWS system cannot provide this timely and detailed info, thus the importance of CALVES.
- MMK will lease space to WCEM on WNKY’s tower for a new modernized communications system that has the capability of linking multiple Bowling Green and Warren County agencies and organizations. Such a communications system will enable WNKY and WCEM to share storm damage reports as well as information concerning natural disasters and other emergencies impacting residents of the station’s core viewing areas in Warren and Barren Counties.
- Use of social media and digital technologies to provide prompt dissemination of emergency alerts, including (1) post each week on WNKY’s Facebook page (radarweatherdog) featuring

information culled from PSAs, vignettes that were broadcast on “Bowling Green Today,” and material supplied by WCEM; and (2) timely messages on the station’s “app” (nbc40/cbs40) that will include late-breaking new coverage of severe weather conditions, SKYWatch bulletins, and weather-related forecasts by WNKY’s two meteorologists.

- Use of broadcast meteorology computer solutions from Weather Services International (WSI), namely, the TruVu Alert crawl computer, the Producer computer for preparing weather data/rendering maps for on-air, website and mobile applications, the ShowFX computer for map creation, and the TruVu Interactive computer (TVI) to display and show weather conditions, including a network of live streaming radars utilized from the National Weather Service (NWS). These systems allow WNKY’s meteorologists to track potential thunderstorms, tornadoes, flooding, winter storms, etc. The station will continue to use exclusive weather forecasting models, such as WSI’s RPM. Non-WSI tools to be used will include NWS Chat, a program which gives WNKY’s weather staff the ability to communicate and share information directly with local NWS offices in Louisville, Paducah, and Nashville. Data from the Kentucky Mesonet will also continue to be utilized to report severe weather conditions. Additional items which will be used in WNKY’s SkyWatch40 Weather Center will include other radar display/storm tracking programs, traffic and area webcams, and the station’s own camera, SkyCam40, mounted on the studio tower to show incoming weather. All of the aforementioned tracking tools and state-of-the-art technology will enable WNKY to provide viewers with potentially life-saving information during times of severe weather storms, natural disasters, and other emergencies.

MMK shall periodically review and revise the EAS Public Education Program to ensure that it remains current and complete and to enhance its effectiveness. As part of its review of the Program, MMK will confer further with the NWS, and state, county, and federal emergency preparedness managers and public safety officials.