

Federal Communications Commission

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

In the Matter of)	
)	
Cumulus Licensing LLC)	File No. EB-09-NY-0009
Licensee of Radio Station WFAS(AM))	
Facility ID # 14381)	NOV No. V200932380018
White Plains, New York)	
)	

NOTICE OF VIOLATION

Released: February 4, 2009

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Cumulus Licensing LLC, licensee of AM radio station WFAS in White Plains, New York.
2. On January 13, 2009, an agent of the Commission's New York Office inspected AM station WFAS, located in White Plains, New York, and observed the following violations:
 - a. 47 C.F.R. § 11.61(b): "Entries shall be made in EAS Participant records, as specified in Sections 11.35(a) and 11.54(b)(13)." At the time of inspection, the broadcast station records contained no entries documenting the reception of the weekly tests from the local primary (LP-1) station, WABC, New York, New York, for the period October 1, 2008, through October 18, 2008. The broadcast station records contained no reasons why the weekly tests were not received from station WABC during that period.
 - b. 47 C.F.R. § 73.1350(c)(2): "Monitoring equipment must be periodically calibrated so as to provide reliable indications of transmitter operating parameters with a known degree of accuracy." At the time of inspection, the antenna input current meter read 4.5 amperes whereas the station authorization specifies an antenna input current to 3.65 amperes. The last calibration date on the antenna input current meter was March 1996.
 - c. 47 C.F.R. § 73.1870(c)(3): "Review of the station records [by the Chief Operator] at least once each week to determine if required

¹ 47 C.F.R. § 1.89.

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entries are being made correctly... Upon completion of the review, the chief operator or his designee must date and sign the log. . . .” At the time of inspection, the agent observed that the station logs for the month of December 2008 had not been signed by the chief operator.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Cumulus Licensing LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, New York 10014

4. This Notice shall be sent to Cumulus Licensing LLC at its address of record.
5. The Privacy Act of 1974³ 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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel
District Director
New York District Office
Northeast Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*