

Federal Communications Commission

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

In the Matter of)	
)	
Hochman – McCann Hawaii, Inc.)	
Licensee of Radio Station KPHI)	File No. EB-09-HL-0088
Facility ID# 88995)	
Honolulu, Hawaii)	NOV No. V200932860013
)	
)	

NOTICE OF VIOLATION

Released: September 15, 2009

By the Resident Agent, Honolulu Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Hochman – McCann Hawaii, Inc., licensee of radio station KPHI in Honolulu, Hawaii.

2. On June 1, 2009 and September 1, 2009, agents of the Enforcement Bureau's Honolulu Office monitored radio station KPHI located in Honolulu, Hawaii, and observed the following violation:

47 C.F.R. § 11.61(a)(1)(i): "Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code...must be transmitted within 60 minutes of receipt by EAS participants in an EAS Local Area or State." KPHI transmitted only the EAS header codes, failing to retransmit the test script of the required monthly tests issued by Hawaii State Civil Defense on both June 1, 2009 and September 1, 2009.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Hochman – McCann Hawaii, Inc. must submit a written statement concerning this matter within 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 Hochman – McCann Hawaii, Inc. All

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

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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
Honolulu Office
P.O. Box 971030
Waipahu, Hawaii 96797-1030

4. This Notice shall be sent by Certified Mail, Return Receipt Requested and regular mail to Hochman – McCann Hawaii, Inc., at the 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

John Raymond
Resident Agent
Honolulu Office
Western Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*