

Federal Communications Commission

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

In the Matter of)	
)	
KZLZ, LLC)	
Licensee of)	
)	
Radio Station KZLZ)	File Nos. EB-09-SD-0119
Facility ID # 36022)	
Kearny, Arizona)	
)	NOV No. V200932940006

NOTICE OF VIOLATION

Released: September 29, 2009

By the District Director, San Diego 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 KZLZ, LLC ("KZLZ"), licensee of broadcast radio station KZLZ in Kearny, Arizona.

2. On September 3, 2009, agents of the Enforcement Bureau's San Diego Office inspected KZLZ, located at 2959 East Grant Road, Tucson, AZ 85716 and observed the following violations:

- a. 47 C.F.R. § 73.3526(e)(12): "For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. . . . The list shall include a brief narrative describing what issues were given significant treatment and what programming that provided this treatment. The description of the programs shall include, but shall not be limited to the time, date, duration, and the title of each program in which the issue was treated. . . ." The issues/program lists found in the public inspection files for KZLZ were not drafted in a format that provided all the information as required by this rule section.

- b. 47 C.F.R. § 11.61(a): Emergency alert system ("EAS") "Participants shall conduct tests at regular intervals . . . [including] Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and End of Message code." At the time of inspection, the station had no record of Required Monthly Test transmissions for June and August 2009.

- c. 47 C.F.R. § 11.35(a): "EAS Participants must determine the cause of any failure to receive the required tests or activations specified in

¹ 47 C.F.R. § 1.89.

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Sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams” At the time of the inspection, there were no entries in the station log indicating why Required Weekly Tests (RWTs) and Required Monthly Test (RMTs) had been sporadically missed over the three months prior to the inspection.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, KZLZ, LLC, 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 taken to correct each violation, preclude recurrence, and should include a time line for completion of pending corrective actions.

4. The response must be complete in itself and signed by a principal or officer of KZLZ. 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
San Diego District Office
4542 Ruffner Street, Suite 370
San Diego, CA 92111

5. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to KZLZ, LLC, at its address of record.

6. 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

William R. Zears Jr.
District Director
San Diego District Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 403.

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*