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

In the Matter of)	
KHNL/KFVE License Subsidiary, LLC Licensee of Television Station KHNL-DT)	File No. EB-09-HL-0120
Facility ID# 34867 Honolulu, Hawaii)))	NOV No. V201032860001
)	

NOTICE OF VIOLATION

Released: October 2, 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, to KHNL/KFVE License Subsidiary, LLC ("KHNL"), licensee of digital television station KHNL-DT in Honolulu, Hawaii.
- 2. On September 2, 2009 and on October 1, 2009, agents of the Enforcement Bureau's Honolulu Office monitored the digital channel of television station KHNL-DT located at 420 Waikamilo Road, Suite #205, in Honolulu, Hawaii, and observed the following violation:
 - 47 C.F.R. § 11.51(c): "All analog and digital radio and television stations shall transmit EAS messages in the main audio channel." KHNL-DT transmitted the Attention Signal tones and video crawl but did not transmit any EAS audio messages of the required monthly test issued by the Hawaii State Civil Defense on September 2, 2009, or on October 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, KHNL/KFVE License Subsidiary, 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(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 KHNL or a principal or officer of KHNL. All replies and

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¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

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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 KHNL, 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

Ryan Hagihara Resident Agent Honolulu Office Western Region Enforcement Bureau

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³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 et seq.