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**Federal Communications Commission**

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

In the Matter of	)	
	)	
Educational Media Foundation	)	File No. EB-09-NF-0122
Licensee of Radio Station WKVK(FM)	)	
Leasburg, North Carolina	)	NOV No. V201032640001
	)	

**NOTICE OF VIOLATION**

**Released:** December 16, 2009

By the Resident Agent, Norfolk Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules ("Rules"),<sup>1</sup> to Educational Media Foundation, licensee of radio station WKVK.
2. On November 24, 2009, an agent of the Commission's Norfolk Office of the Enforcement Bureau inspected radio station WKVK located in Leasburg, North Carolina in response to a complaint from the Federal Aviation Administration about interference to navigation aids at the Raleigh-Durham International Airport. Station WKVK is authorized to transmit on 106.7 MHz to the community of Semora, North Carolina from antenna structure number 1033162, located at latitude 36 25 08.0 north and longitude 079 11 48.0 west. During inspection of the station facilities, the agent observed the following violation:

47 C.F.R. § 73.317(b): "Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least  $43 + 10 \log_{10}(\text{Power, in watts})$  dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation..." On several frequencies removed from the carrier frequency by 600kHz or more, emissions were suppressed by less than the 80db. For example, the amplitude of one emission on a frequency 2.8MHz removed from the carrier frequency was suppressed by only 30.0db.<sup>2</sup>
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, Educational Media Foundation, must submit a written statement concerning this matter within thirty (30) 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).

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 73.317(b). At the time of inspection, the indirect method of power measurement indicated that WKVK transmitted with a power (18kW) that resulted in 80db being less than  $(43 + 10 \log_{10}(\text{Power, in watts}))$ .

<sup>3</sup> 47 U.S.C. § 308(b).

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Specifically, pursuant to Section 73.1590(d) of the Rules,<sup>4</sup> provide all of the data required by paragraph (b) of the same section, together with the manufacturer names, model and serial numbers of each transmission system component, and include information that clearly depicts compliance with Section 73.317 of the Rules. In addition, submit a schedule of the period and a description of the procedures Educational Media Foundation will use for future transmission system inspections pursuant to Section 73.1580 of the Rules.<sup>5</sup> 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  
Norfolk Office  
1457 Mt Pleasant Rd Ste 113  
Chesapeake VA 23322

4. This Notice shall be sent to Educational Media Foundation at its address of record.
5. The Privacy Act of 1974<sup>6</sup> 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.<sup>7</sup>

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Husnay  
Resident Agent  
Norfolk District Office  
South Central Region  
Enforcement Bureau

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<sup>4</sup> 47 C.F.R. 73.1590 (requiring broadcast licensees to take measurements of spurious and harmonic emissions to show compliance with, among other things, Section 73.317 of the Rules and to maintain that data for 2 years).

<sup>5</sup> 47 C.F.R. 73.1580 (requiring broadcast licensees to conduct periodic complete inspections of transmitting systems and all required monitors to ensure proper station operation).

<sup>6</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>7</sup> 18 U.S.C. § 1001 *et seq.*

Send original to:

Educational Media Foundation  
1425 N. Market Boulevard  
Sacramento CA 94834