

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Stone/Collins Communications, Inc.	)	File No. EB-09-AT-0018
Licensee of Radio Station WEPG (AM)	)	
Facility ID #40154	)	NOV No. V201032480002
South Pittsburg, Tennessee	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: January 20, 2010**

By the District Director, Atlanta 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<sup>1</sup> to Stone/Collins Communications, Inc., licensee of radio station WEPG in South Pittsburg, Tennessee.
2. On August 19, 2009, agents of the Commission’s Atlanta Office of the Enforcement Bureau inspected the main studio of AM radio station WEPG located in South Pittsburg, Tennessee, and observed the following violation(s):
  - a. 47 C.F.R. § 73.1870(a) and (c): “The licensee of each AM...broadcast station must designate a person to serve as the station’s chief operator...The chief operator is responsible for...[i]nspections and calibrations of the transmission system, required monitors, metering and control systems and any necessary repairs or adjustments...Review of the station records at least once a week to determine if required entries are being made correctly...Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition of which is repetitive.” There was no written designation of chief operator posted at the station, and there was no written record of any review of the station’s logs.
  - b. 47 C.F.R. § 73.51(a), (d), and (e)(2): “Except in those circumstances described in paragraph (d) of this section, the operating power shall be determined by the direct method...When it is not possible or appropriate to use the direct method of power determination due to technical reasons, the indirect method of determining operating power...may be used on a temporary basis. A notation must be made in the station log indicating the dates of commencement and

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<sup>1</sup>47 C.F.R. § 1.89.

termination of measurement using the indirect method of power determination...and [t]he value of F applicable to each mode of operation must be determined and a record kept thereof with a notation as to its derivation...and retained in the station records.” The licensee was not determining the station’s operating power by the direct method, and had been determining power indirectly for a long time. There was no recorded value of “F” (efficiency factor) available at the station and no logs indicating when the station commenced determination of operating power by the indirect method.

- c. 47 C.F.R. § 73.1560(a): “[T]he antenna input power of an AM station...must be maintained as near as practicable to the authorized antenna input power and may not be less than 90% nor more than 105% of the authorized power.” The station’s daytime power level was 80% of the authorized power.
  - d. 47 C.F.R. § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license.” On the evening of August 18, 2009, the station did not reduce power from daytime levels to nighttime levels for over an hour.
  - e. 47 C.F.R. § 11.52(d): “EAS participants must monitor two EAS sources.” The second monitoring receiver on the EAS unit was not working at the time of inspection; the station was only monitoring one EAS source. The EAS logs showed that the last time the second receiver had worked was in March of 2009. During the inspection, the licensee found that the antenna had been disconnected to the second receiver and the problem was fixed.
  - f. 47 C.F.R. § 11.61 (a)(2): “EAS participants shall conduct...required weekly tests.” The licensee had not sent the required weekly tests on the second receiver since March 2009.
3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, Stone/Collins Communications, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself

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<sup>2</sup>47 U.S.C. § 403.

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and must not be abbreviated by reference to other communications or answers to other notices.<sup>3</sup>

4. In accordance with Section 1.16 of the Commission’s Rules, we direct Stone/Collins Communications, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Stone/Collins Communications, Inc. with personal knowledge of the representations provided in Stone/Collins Communications, Inc.’s response, verifying the truth and accuracy of the information therein,<sup>4</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>5</sup>
5. 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  
Atlanta Office  
3575 Koger Blvd, Suite 320  
Duluth, GA 30096

6. This Notice shall be sent to Stone/Collins Communications, Inc. at its’ address of record.
7. 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.

FEDERAL COMMUNICATIONS COMMISSION

Douglas G. Miller  
District Director  
Atlanta District Office  
South Central Region  
Enforcement Bureau

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<sup>3</sup>47 C.F.R. § 1.89(c).

<sup>4</sup>Section 1.16 of the Commission’s Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>5</sup>18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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

