
Federal Communications Commission

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

In the Matter of)	
)	
Kickin' Country Broadcasting, LLC)	File No. EB-08-DL-0202
Licensee of Radio Station KCKM)	
Facility ID # 35048)	NOV No. V201032500001
Monahans, TX)	
)	

NOTICE OF VIOLATION

Released: February 17, 2010

By the District Director, Dallas Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Kickin' Country Broadcasting, LLC, licensee of radio station KCKM in Monahans, TX.
2. On December 1, 2009, agents of the Commission's Dallas Office inspected the main studio of radio station KCKM, located in Monahans, TX 79756, and observed the following violation(s):
 - a. 47 C.F.R. § 11.61(b): "Entries shall be made in EAS Participant records, as specified in §§11.35(a) and 11.54(b)(13)." Although the station's EAS equipment was operational and all required tests were sent and received, a review of the station records showed a failure to log any tests sent during the month of August 2009 and a failure to log required monthly tests sent between August 1, 2009 and December 1, 2009.
 - b. 47 C.F.R. § 73.1870(c)(3): "The chief operator is responsible for completion of the following duties specified in this paragraph below. When these duties are delegated to other persons, the chief operator shall maintain supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner. (1) Inspections and calibrations of the transmission system, required monitors, metering and control systems; and any necessary repairs or adjustments where indicated. (See §73.1580.) (2) Periodic AM field monitoring point measurements, equipment performance measurements, or other tests as specified in the rules or terms of the station license. (3) Review of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that

¹47 C.F.R. § 1.89.

the station has been operated as required by the rules or the station authorization. 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 which is repetitive. (4) Any entries which may be required in the station records. (See §73.1820.).” On December 1, 2009, the chief operator acknowledged that he was unaware of this rule or his responsibilities under it and had not been reviewing station records.

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,² 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, Kickin' Country Broadcasting, LLC 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 and must not be abbreviated by reference to other communications or answers to other notices.³
4. In accordance with Section 1.16 of the Commission’s Rules, we direct Kickin' Country Broadcasting, LLC 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,⁴ 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.⁵

²47 U.S.C. § 403.

³47 C.F.R. § 1.89(c).

⁴Section 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.

⁵18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

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
Dallas Office
9330 LBJ Freeway, #1170
Dallas, Texas 75243

6. This Notice shall be sent to Kickin' Country Broadcasting, LLC at its address of record.
7. The Privacy Act of 1974⁶ 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

James D. Wells
District Director
Dallas District Office
South Central Region
Enforcement Bureau

⁶P.L. 93-579, 5 U.S.C. § 552a(e)(3).