

Federal Communications Commission

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

In the Matter of)	
)	
New Millennium Communications Group, Inc.)	File No. EB-10-PA-0021
Licensee of Radio Station WZSK)	
Facility ID # 54570)	NOV No. V201032400031
Everett, Pennsylvania)	
)	
)	

NOTICE OF VIOLATION

Released: February 22, 2010

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to New Millennium Communications Group, Inc. (“New Millennium”), the licensee of AM radio station WZSK in Everett, Pennsylvania. This Notice may be combined with a further action, if further action is warranted.²
2. On January 20, 2010, an agent of the Commission’s Philadelphia Office inspected radio station WZSK located in Everett, Pennsylvania and observed the following violations:
 - a. 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.” For the previous three months, New Millennium had been operating station WZSK during the daytime with 4 kilowatts or 40% of the authorized power and there is no evidence that New Millenium obtained special temporary authority to operate at a reduced power for more than thirty days, as required by 47 C.F.R. § 73.1560(d).
 - b. 47 C.F.R. § 11.61 (a)(2): “EAS participants shall conduct...required weekly tests.” A review of the station’s EAS logs revealed that entries were not made in the EAS logs to show required weekly EAS tests for the period between January 1, 2010 and January 14, 2010.

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

- c. 47 C.F.R. § 11.52(d): “EAS participants must monitor two EAS sources. The monitoring assignment of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook.” A review of WZSK’s EAS logs revealed that WZSK was properly monitoring only one EAS source. There was no evidence that the station’s EAS equipment was receiving the second local primary (LP-2) radio station WWOT on 100.1 MHz.
 - d. 47 C.F.R. § 73.3526(e)(4): The public inspection file shall contain a “copy of any service contour maps, submitted with any application tendered for filing with the FCC. . . .” At the time of the inspection, there was no service contour map in the public inspection file showing the station’s community contour.
 - e. 47 C.F.R. § 73.3526(e)(5): The public inspection file shall contain a “copy of the most recent, complete ownership report filed with the FCC for the station, together with any statements filed with the FCC certifying that the current report is accurate, and together with all related material.” At the time of inspection, the most current ownership report or certifying statements were not in the station’s public inspection file.
 - f. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license.” At the time of inspection, there was no written designation posted with the station license designating the chief operator.
 - g. 47 C.F.R. § 73.1350(c)(2): “Monitoring equipment must be periodically calibrated so as to provide reliable indications of transmitter operating parameters with a known degree of accuracy.” At the time of inspection, the antenna input current meter reading was 5.0 amperes whereas the station authorization specifies an antenna input current during critical hours of 6.82 amperes. The last calibration date on the antenna input current meter was October 1998.
 - h. 47 C.F.R. S: 73.1800(a): "The licensee of each station must maintain a station log as required by Section 73.1820." The required station logs documenting any tower light outages and adjustments to the transmission system were not available for inspection upon request.
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

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Communications Act of 1934, as amended,³ 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, New Millenium 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.⁴

4. In accordance with Section 1.16 of the Commission's Rules, we direct New Millenium to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of New Millenium with personal knowledge of the representations provided in New Millenium's response, verifying the truth and accuracy of the information therein,⁵ 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.⁶
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
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to New Millennium Communications Group, Inc. at its address of record.

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 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)'.⁷" 47 C.F.R. § 1.16.

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

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7. The Privacy Act of 1974⁷ 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.⁸

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

⁷P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁸18 U.S.C. § 1001 *et seq.*