

Federal Communications Commission

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

In the Matter of)	
)	
Clarion County Broadcasting Corp.)	File No. EB-08-PA-0270
)	
Licensee of Radio Station WKQW)	NOV No. V201032400033
Facility ID # 63290)	
)	
Oil City, Pennsylvania)	
)	

NOTICE OF VIOLATION

Released: March 4, 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 Clarion County Broadcasting Corp. (“Clarion”), the licensee of AM Radio Station WKQW in Oil City, Pennsylvania. This Notice may be combined with a further action, if further action is warranted.²

2. On August 12, 2009, an agent of the Commission’s Philadelphia Office inspected radio station WKQW located in Oil City, Pennsylvania, and observed the following violations:
 - a. 47 C.F.R. § 11.52(d): “Broadcast stations and cable systems and wireless cable systems must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook....” The agent found that station WKQW was monitoring only one EAS source.

 - b. 47 C.F.R. § 11.61(b): “Entries shall be made in EAS Participant records, as specified in Sections 11.35(a) and 11.54(b)(13).” The agent found that entries were not made in the EAS logs to show required weekly EAS tests received or conducted for the weeks of April 13, 2009, May 4, 2009, May 18, 2009, June 1, 2009, June 8, 2009, June 15, 2009, July 13, 2009, and August 2, 2009. Entries were not made in the EAS logs to show required monthly EAS tests retransmitted for the months of January, February, March, May,

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

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June, and July of 2009. There were no entries in the station logs indicating the reason why the required EAS tests were not received.

- c. 47 C.F.R. § 73.1870(a): “The licensee of each AM, FM, TV or Class A TV broadcast station must designate a person to serve as the station’s chief operator. At times when the chief operator is unavailable or unable to act (e.g., vacations, sickness), the licensee shall designate another person as the acting chief operator on a temporary basis.” At the time of inspection, Clarion had no person designated as the chief operator for station WKQK.

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,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, Clarion County Broadcasting Corp 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 Clarion County Broadcasting Corp to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Clarion County Broadcasting Corp with personal knowledge of the representations provided in Clarion County Broadcasting Corp’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

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)’.” 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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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 Clarion County Broadcasting Corp at its address of record.

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, further action is required to ensure compliance.

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).