

Federal Communications Commission

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

In the Matter of)	
)	
San Luis Obispo Broadcasting)	File No. EB-10-LA-0033
Licensee of Radio Station KKJL-AM)	
Facility ID# 58897)	NOV No. V201032900010
San Luis Obispo, California)	
)	

NOTICE OF VIOLATION

Released: March 9, 2010

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to San Luis Obispo Broadcasting, licensee of radio station KKJL-AM, in San Luis Obispo, California. This Notice may be combined with a further action, if further action is warranted.²

2. On February 24, 2010, an agent of the Enforcement Bureau's Los Angeles Office inspected radio station KKJL-AM located at San Luis Obispo, California, and observed the following violations:

- a. 47 C.F.R. § 11.35(a): "EAS participants are responsible for ensuring that Emergency Alert System (EAS) Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, EAS participants must determine the cause of any failure to receive the required tests or activations specified in §§ 11.61(a)(1) and (a)(2). Appropriate entries indicating why any tests were not received must be made in the broadcast station log as specified in § 73.1820 and § 73.1840 of this chapter . . ." At the time of the inspection, the Los Angeles agent found daily EAS log sheets automatically produced by the EAS encoder/decoder, with dates going back over one year, but with no indications that any tests were either received or sent.
- b. 47 C.F.R. § 73.1870(c)(3): "The chief operator is responsible for the following duties specified in this paragraph below... (3) Review of the

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

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station records at least once per 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, indicate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.” At the time of inspection, the chief operator indicated to the agent that he took the EAS log sheets off the printer and filed them in the monthly folders. There was no indication that the logs had been signed and dated by the chief operator.

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 violations and any remedial actions the station may have taken. Therefore, San Luis Obispo Broadcasting, 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 San Luis Obispo Broadcasting to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of San Luis Obispo Broadcasting with personal knowledge of the representations provided in San Luis Obispo Broadcasting 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
Los Angeles Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

6. This Notice shall be sent to San Luis Obispo Broadcasting 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, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Nader Haghghat
District Director
Los Angeles Office
Western Region
Enforcement Bureau

⁷P.L. 93-579, 5 U.S.C. § 552a(e)(3).