

Federal Communications Commission

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

In the Matter of)	
)	
Center For Communication & Development)	File No. EB-10-CG-0260
Licensee of Radio Station KMOJ)	
Facility ID # 14679)	NOV No. V201132320003

NOTICE OF VIOLATION

Released: December 22, 2010

By the District Director, Chicago 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 Center For Communication & Development (“CFCD”), licensee of Station KMOJ in Minneapolis, Minnesota. This Notice may be combined with further action, if further action is warranted.

2. On December 1, 2010, an agent of the Enforcement Bureau’s Chicago Office inspected Station KMOJ at the station’s main studio at 2123 West Broadway, Minneapolis, Minnesota, and observed the following violations:

- a. 47 C.F.R. § 11.52(d): “EAS Participants 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. They are developed in accordance with FCC monitoring priorities.” At the time of inspection, Station KMOJ 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 §§ 11.35(a) and 11.54(b)(13).” A review of the station’s EAS logs revealed that monthly tests were not received and retransmitted during July, October, and November. No weekly tests were received or transmitted during October. There were no entries in the station log indicating the reason why the required monthly tests and required weekly tests were not received or transmitted.
- c. 47 C.F.R. § 73.3527(d)(8)(i): “*Issues/programs lists.* For non-exempt noncommercial educational radio broadcast stations, every three months a list of programs that have provided the station’s most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the

¹47 C.F.R. § 1.89.

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tenth day of the succeeding calendar quarter (e.g. January 10 for the quarter October-December, April 10 for the quarter January-March, etc.).” At the time of inspection, the agent found that the public file was missing the issues/programs list for 2nd Quarter and 3rd Quarter 2010.

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

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:

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.

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Chicago Office
1550 North Northwest Highway, Room 306
Park Ridge, IL 60068

6. This Notice shall be sent to Center For Communication & Development at 2123 West Broadway, Minneapolis, MN 55411.

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 M. Roop
District Director
Chicago District Office
Northeast Region
Enforcement Bureau

⁶P.L. 93-579, 5 U.S.C. § 552a(e)(3).