

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Birach Broadcasting Corporation	)	File No. EB-10-DL-0102
Licensee of Radio Station KJMU	)	
Facility ID # 47101	)	
	)	
Sand Springs, Oklahoma	)	NOV No. V201132500003

**NOTICE OF VIOLATION**

**Released: June 28, 2011**

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 rules (“Rules”),<sup>1</sup> to Birach Broadcasting Corporation, licensee of Station KJMU in Sand Springs, Oklahoma.

2. On April 26, 2011, agents of the Enforcement Bureau’s Dallas Office inspected the main studio of Station KJMU located in Sand Springs, Oklahoma, and observed the following violation(s):

- a. 47 C.F.R. § 73.1560(a): “AM stations. (1) Except as provided for in paragraph (d) of this section, the antenna input power of an AM station as determined by the procedures specified in § 73.51 must be maintained as near as is practicable to the authorized antenna input power and may not be less than 90% nor more than 105% of the authorized power.” At the time of the inspection, the transmitter meter indicated the station was operating at 109% of authorized power.
- b. 47 C.F.R. § 73.1820(b)(4): “In the event of failure or malfunctioning of the automatic equipment, the person designated by the licensee as being responsible for the log s[h]all make the required entries in the log manually at that time.” At the time of this inspection, the station personnel could not access the Burke controller to recover the station log without loss of the data. The station was not making entries in a manual log. The station received a previous verbal warning about this condition in November 2010.
- c. 47 C.F.R. § 73.1870(c)(3): “Review of the station records at least once each week to determine if required entries are being made correctly. Additionally,

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<sup>1</sup> 47 C.F.R. § 1.89.

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verification must be made that 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.” At the time of the inspection the Chief Operator was not initiating corrective action to establish a manual log and allowed paper to pile on top of the Emergency Alert System printer, creating a paper jam. The paper jam was cleared during the inspection.

3. Pursuant to section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and section 1.89 of the Rules, Birach Broadcasting Corporation, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the Birach Broadcasting Corporation. 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

4. This Notice shall be sent to by both Certified Mail/Return Receipt Requested and regular mail to Birach Broadcasting Corporation at its address of record.

5. The Privacy Act of 1974<sup>3</sup> 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.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>2</sup> 47 U.S.C. § 403.

<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*