

Federal Communications Commission

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

In the Matter of)	
)	
Oasis Christian Radio, Inc.)	File No. EB-11-SF-0259
Licensee of Radio Station KAVS-LP)	
Facility ID # 126241)	
Fallon, Nevada)	NOV No. V201232960003

NOTICE OF VIOLATION

Released: October 31, 2011

By the District Director, San Francisco 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 Oasis Christian Radio, Inc. ("Oasis"), licensee of radio station KAVS-LP in Fallon, Nevada. This Notice may be combined with a further action, if further action is warranted.²

2. On June 1, 2011, agents of the Enforcement Bureau's San Francisco Office inspected radio station KAVS-LP located at Fallon, Nevada, and observed the following violations:

- a. 47 C.F.R. § 11.35(a): "[Emergency Alert System (EAS)] Participants are responsible for ensuring that 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 operations. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams and cable system records as specified in Sections 76.1700, 76.1780, and 76.1711 of this chapter." At the time of the inspection, there were no entries in KAVS-LP's logs indicating why the required monthly tests (RMTs) and the required weekly tests (RWTs) had not been received over the three months prior to the inspection.
- b. 47 C.F.R. § 11.61(a): "EAS Participants shall conduct tests at regular intervals, as specified in paragraphs (a)(1) and (a)(2) of this section. Additional tests may be performed anytime. EAS activations and special tests may be performed in lieu of required tests as specified in paragraph

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

- (a)(4) of this section. All tests will conform with the procedures in the EAS Operating Handbook.” KAVS-LP failed to ensure that, over the three months prior to the inspection, that RMTs and RWTs of the EAS were transmitted.
- c. 47 C.F.R. § 73.845: “Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization. In the event that an LPFM station is operating in a manner that is not in compliance with the technical rules set forth elsewhere in this part or the terms of the station authorization, broadcast operation must be terminated within three hours.” At the time of the inspection, KAVS-LP was operating as an unattended station, but did not have the capability to take the station off the air within three hours of any technical malfunction.
 - d. 47 C.F.R. § 73.877(d): “The licensee of each LPFM station must maintain a station log. Each log entry must include the time and date of observation and the name of the person making the entry. The following information must be entered in the station log: EAS weekly log requirements set forth in Section 11.61(a) . . . of this chapter.” KAVS-LP failed to maintain a station log, no records of log entries indicating that a person observed the EAS test each week.
 - e. 47 C.F.R. § 73.1300: “Broadcast stations may be operated as either attended (where a designated person is responsible for the proper operation of the transmitting apparatus either at the transmitting site, a remote control point or an ATS control point) or unattended (where highly stable equipment or automated monitoring of operating parameters is employed).” At the time of inspection, agents determined that KAVS-LP was operating as an unattended station but with no monitoring equipment installed to monitor the station’s operation.

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, Oasis 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

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

Federal Communications Commission

4. In accordance with Section 1.16 of the Commission's Rules, we direct Oasis to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Oasis with personal knowledge of the representations provided in Oasis'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
San Francisco Office
5653 Stoneridge Drive, Suite 105
Pleasanton, CA 94588-8543

6. This Notice shall be sent to Oasis Christian Radio, Inc. 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

Thomas N. Van Stavern
District Director
San Francisco District Office
Western Region
Enforcement Bureau

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.

⁷P.L. 93-579, 5 U.S.C. § 552a(e)(3).