
Federal Communications Commission

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

In the Matter of)	
)	
Western Slope Communications, LLC)	File No. EB-FIELDWR-12-00003820
Licensee of Station KRVG)	
Facility ID # 88077)	
Glenwood Springs, Colorado)	
)	
)	NOV No. V201332800007
)	

NOTICE OF VIOLATION

Released: November 1, 2012

By the District Director, Denver District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to Western Slope Communications, LLC (Western Slope), licensee of radio station KRVG in Glenwood Springs, Colorado. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On August 21, 2012, an agent of the Enforcement Bureau's Denver District Office inspected radio station KRVG located at Rifle, Colorado, and observed the following violations:

- a. 47 C.F.R. § 11.35(a): "...EAS Participants must determine the cause of any failure to receive the required tests or activations specified in § 11.61(a)(1) and (2). Appropriate entries indicating reasons 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 for all broadcast streams..." At the time of the inspection, KRVG's station's logs failed to indicate why numerous received and transmit Required Monthly Tests and Required Weekly Tests were missing for the period December 1, 2011 – August 21, 2012.
- b. 47 C.F.R. § 11.52(d)(1): "With respect to monitoring for EAS messages that are formatted in accordance with the EAS protocol, EAS participants must monitor two EAS sources. The monitoring assignments of each broadcast

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

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 inspection, KRVG was monitoring incorrect EAS sources for its LP-1 and LP-2. KRVG was monitoring KNFO, Basalt, CO, frequency 106.1 MHz and KSPN, Aspen, CO, frequency 97.7 MHz, which are both located in an adjacent EAS operational area, Local Area 12, High Country. KRVG should be monitoring the LP-1 and LP-2 assignment for their Local Area 11, Plateau, as required in the State of Colorado’s State EAS Plan.

- c. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license.” At the time of inspection, there was no current written designation posted with the station license designating the chief operator.
- d. 47 C.F.R. § 73.3526(e)(1): “A copy of the current FCC authorization to construct or operate the station, as well as any other documents necessary to reflect any modifications thereto or any conditions that the FCC has placed on the authorization...” At the time of inspection, there was no renewal card or a copy of the license in the public inspection file
- e. 47 C.F.R. § 73.3526(e)(5): “A copy of the most recent, complete ownership report filed with the FCC for the station, together with any statements filed with the FCC certifying that the current report is accurate, and together with all related material. These materials shall be retained until a new, complete ownership report is filed with the FCC, at which time a copy of the new report and any related materials shall be placed in the file...” At the time of inspection, there was no ownership report in the public inspection file.
- f. 47 C.F.R. § 73.3526(e)(7): “Such information as is required by § 73.2080 to be kept in the public inspection file. These materials shall be retained until final action has been taken on the station’s next license renewal application.” At the time of inspection there were no EEO records in the public inspection file.
- g. 47 C.F.R. § 73.3526(e)(12): For commercial AM and FM 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 tenth day of the succeeding calendar quarter (e.g. January 10 for the quarter October-December, April 10 for the quarter January-March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated. The lists described in this paragraph shall be retained in the public inspection file until

Federal Communications Commission

final action has been taken on the station's next license renewal application." At the time of inspection, the file was missing and/or had twenty-seven (27) incomplete Quarters of Issues and Programs lists since the last renewal granted on December 21, 2005.

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.

4. Pursuant to Section 308(b) 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 taken. Therefore, Western Slope 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

5. In accordance with Section 1.16 of the Commission's Rules, we direct Western Slope to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Western Slope with personal knowledge of the representations provided in Western Slope'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 regulatee'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

6. 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:

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 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.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

7. This Notice shall be sent to Western Slope Communications, LLC, at its address of record.

8. 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

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).