

Federal Communications Commission

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

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| In the Matter of |) | |
| |) | |
| Four Corners Broadcasting, LLC |) | File No. EB-FIELDWR-12-00004019 |
| Licensee of Station KIUP |) | |
| Facility ID # 22039 |) | |
| Durango, Colorado |) | |
| |) | |
| |) | NOV No. V201332800009 |
| |) | |
| |) | |

NOTICE OF VIOLATION

Released: November 8, 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 Four Corners Broadcasting, LLC (Four Corners), licensee of radio station KIUP in Durango, 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 24, 2012, an agent of the Enforcement Bureau’s Denver District Office inspected radio station KIUP located at Durango, 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, KIUP’s station logs failed to indicate why the May 2012 Required Monthly Test was not received or transmitted. Also, for the period May 6, 2012 – August 18, 2012, KIUP failed to show why numerous receive tests were missing from EAS source KGJT/NWS and why KIUP missed numerous transmit Required Weekly Tests.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- 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 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 the inspection, KIUP was monitoring incorrect EAS sources for its LP-1 and LP-2. KIUP was monitoring KRMJ, Grand Junction, CO, and KGJT/NWS, Grand Junction, CO. KIUP should be monitoring the LP-1 and LP-2 assignment for their Local Area 9, Mesa Verde, 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 the inspection, there was no current written designation posted with the station license designating 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.

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, Four Corners 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 Four Corners to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Four Corners with personal knowledge of the representations provided in Four Corner’s response, verifying the truth and accuracy of the information therein,⁵ and confirming

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.

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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:

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

7. This Notice shall be sent to Four Corners Broadcasting, 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

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).