

Federal Communications Commission

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

In the Matter of)	
)	
Reier Broadcasting Company, Inc.)	File No. EB-FIELDWR-12-00005062
Licensee of Station KBOZ(AM))	
Facility ID # 16775)	
Bozeman, Montana)	NOV No. V201332800016
)	

NOTICE OF VIOLATION

Released: November 15, 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 Reier Broadcasting Company, Inc. (Reier), licensee of radio station KBOZ(AM) in Bozeman, Montana. 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 September 20, 2012, an agent of the Enforcement Bureau’s Denver District Office inspected radio station KBOZ(AM) located at 5445 Johnson Road, Bozeman, Montana, 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 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” At the time of the inspection, there were no entries in the station’s logs indicating why KBOZ(AM) did not receive any required monthly tests from the KGLT, frequency 91.9 MHz, the assigned LP-1 monitoring source, during the months from June 1 through August, 31 2012.
- b. 47 C.F.R. § 11.52(d)(1): “. . .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. . . .” At

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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the time of inspection, Reier was not monitoring the assigned LP-1 source, KGLT, frequency 91.9 MHz, as required in the Montana EAS State Plan.

- c. 47 C.F.R. § 11.56: “Obligation to process [Common Alerting Protocol] CAP-formatted EAS messages. (a) On or by June 30, 2012, EAS Participants must have deployed operational equipment that is capable of the following: (1) Acquiring EAS alert messages in accordance with the monitoring requirements in §11.52(d)(2); (2) Converting EAS alert messages that have been formatted pursuant to the Organization for the Advancement of Structured Information Standards (OASIS) Common Alerting Protocol...” During the inspection conducted on September 20, 2012, KBOZ(AM) did not have the required CAP-formatted EAS equipment.³

- d. 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 (a)(4) of this section. All tests will conform with the procedures in the EAS Operating Handbook.” At the time of the inspection, Reier failed to ensure that for the period June 1 through August 31, 2012, the required monthly tests were received by the station.

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,⁴ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Reier 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.⁵

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

³ 47 C.F.R. § 11.56. Review of the Emergency Alert System, 77 Fed. Reg. 16688, 16706 (Mar. 22, 2012), as amended, 77 FR 26701, 26703, (May 7, 2012).

⁴ 47 U.S.C. § 308(b).

⁵ 47 C.F.R. § 1.89(c).

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response, verifying the truth and accuracy of the information therein,⁶ 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.⁷

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 Reier Broadcasting Company, Inc., at its address of record.

8. The Privacy Act of 1974⁸ 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 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.

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

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).