

**Federal Communications Commission**

---

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

In the Matter of	)	
	)	
Adelman Broadcasting, Inc.	)	File No. EB-FIELDWR-12-00002997
Licensee of Station KRAJ	)	
Facility ID # 84860	)	
	)	
Johannesburg, CA	)	NOV No. V201332900003

**NOTICE OF VIOLATION**

**Released: November 30, 2012**

By the Acting District Director, Los Angeles 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),<sup>1</sup> to Adelman Broadcasting, licensee of radio station KRAJ serving Johannesburg, California. 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.<sup>2</sup>

2. On June 18, 2012, an agent of the Enforcement Bureau's Los Angeles Office inspected radio station KRAJ located at Ridgecrest, CA, 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, the KRAJ logs were illegible and there was no entry indicating why KRAJ did not receive any alerts or tests from some of its assigned monitoring sources, during the three month period preceding the inspection.
- b. 47 C.F.R. § 11.51(m)(1): "Automatic interrupt of programming and transmission of EAS messages are required when facilities are unattended. Automatic transmissions must include a permanent record that contains at a minimum the following information: Originator, Event, Location and valid

---

<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

## Federal Communications Commission

---

time period of the message. The decoder performs the functions necessary to determine which EAS messages are automatically transmitted by the encoder.” At the time of the inspection, the printer recording the tests and alerts processed automatically by the EAS decoder/encoder had partially failed resulting in illegible records. Other records for EAS tests and alerts received and retransmitted automatically by the KRAJ EAS decoder/encoder equipment were being kept manually on hand-written notes, based on observations made by station personnel monitoring the KRAJ retransmissions of these events. These records did not include sufficient information to determine compliance with this rule.

- c. 47 C.F.R. § 73.1560(b): “*FM stations.* Except as provided in paragraph (d) of this section, the transmitter output power of an FM station, with power output as determined by the procedures specified in §73.267, which is authorized for output power more than 10 watts must be maintained as near as practicable to the authorized transmitter output power and may not be less than 90% nor more than 105% of the authorized power. FM stations operating with authorized transmitter output power of 10 watts or less, may operate at less than the authorized power, but not more than 105% of the authorized power.” At the time of the inspection, the agent observed that the KRAJ appeared to operating at less than 71% of its authorized power.

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,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Adelman Broadcasting Inc., 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.<sup>4</sup>

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

---

<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

**Federal Communications Commission**

---

information therein,<sup>5</sup> 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.<sup>6</sup>

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  
Los Angeles Office  
18000 Studebaker Road., Suite 660  
Cerritos, CA 90703

7. This Notice shall be sent to Adelman Broadcasting, Inc., at its address of record.

8. The Privacy Act of 1974<sup>7</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.

FEDERAL COMMUNICATIONS COMMISSION

Margaret M. Egler  
Acting District Director  
Los Angeles Office  
Western Region  
Enforcement Bureau

---

<sup>5</sup> Section 1.16 of the 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.

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

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).