

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Northeast Gospel Broadcasting, Inc.	)	File No. EB-FIELDNER-12-00005658
Licensee of Radio Station WNGN	)	
Facility ID # 11120	)	NOV No. V201332380002
Argyle, NY	)	
Licensee of Radio Station WNGG	)	
Facility ID # 172195	)	
Gloversville, NY	)	
Licensee of Radio Station WVVC-FM	)	
Facility ID # 171935	)	
Dolgeville, NY	)	
Licensee of LPTV Station WVVC-LD	)	
Facility ID # 60869	)	
Utica, NY	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: Dec. 12, 2012**

By the Acting District Director, New York Office, Northeast 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 Northeast Gospel Broadcasting, Inc. (Northeast), licensee of (1) FM Stations WNGN, Argyle New York; WNGG; Gloversville, New York,; WVVC-FM, Dolgeville, New York and (2) Low Power TV (LPTV) Station WVVC-LD, Utica, New York. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. An agent of the Enforcement Bureau's New York Office conducted an inspection at (1) the main studio for Station WNGN at 65 King Street in Buskirk, New York on October 29, 2012 and (2) the co-located main studio for Stations WNGG, WVVC-FM, and WVVC-LD at 1017 Higby Road in New Hartford, New York, on October 31, 2012, and observed the following violation for each of the stations:

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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47 C.F.R. §11.61(b): "Entries shall be made in EAS Participant records, as specified in Sections 11.35(a) and 11.54(b)(13)." Although the stations' EAS equipment was operational, the stations did not have any EAS logs for the year 2012.

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. 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, Northeast 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>

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

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:

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<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)'.<sup>7</sup>" 47 C.F.R. § 1.16.

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

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Federal Communications Commission  
New York Office  
201 Varick Street  
Suite # 1151  
New York, NY 10014-7046

6. This Notice shall be sent to Northeast at its address of record.

7. 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

Gary Barker  
Acting District Director  
New York District Office  
Northeast Region  
Enforcement Bureau

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