
Federal Communications Commission

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

In the Matter of)	
)	
South Texas FM Investments, LLC)	File No. EB-FIELDSCR-12-00005509
Licensee of Station KZAM-FM)	NOV No. V201332500022
)	Facility ID No.: 164195
Pleasant Valley, TX)	
)	

NOTICE OF VIOLATION

Released: December 14, 2012

By the District Director, Dallas Office, South Central 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 South Texas FM Investments, LLC, licensee of radio station KZAM-FM in Pleasant Valley, TX. 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.²

2. On October 24, 2012, an agent of the Enforcement Bureau's Dallas Office inspected radio station KZAM-FM located at Pleasant Valley, TX, and observed the following violation(s):

- a. 47 C.F.R. § 73.1125(a): "... each AM, FM... broadcast station shall maintain a main studio at one of the following locations: (1) Within the station's community of license; (2) At any location within the principal community contour of any AM, FM or TV broadcast station licensed to the station's community of license; or (3) Within twenty-five miles from the reference coordinates of the center of its community of license..." "A station must equip the main studio with production and transmission facilities that meet applicable standards, maintain continuous program transmission capability, and maintain a meaningful management and staff presence."³ The Commission has defined a minimally acceptable "meaningful presence" as full-time managerial and full-time staff personnel.⁴ At the time of the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ *Main Studio and Program Origination Rules*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5026 (1988).

⁴ *Jones Eastern of the Outer Banks, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616 (1991), *clarified* 7 FCC Rcd 6800 (1992).

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inspection, the agent tried to inspect the studio but it was not open to the public. The agent contacted the licensee and asked for an employee to open the studio to perform the inspection, but there were no personnel available in the area on the day of the inspection.

- b. 47 C.F.R. 73.1740(a)(4): “In the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, DC not later than the 10th day of limited or discontinued operation. . . . If causes beyond the control of the licensee make it impossible to comply with the allowed period, informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.” At the time of inspection, Station KZAM-FM had temporarily discontinued operations. An agent talked to the licensee over the phone, and was informed that Station KZAM-FM had been off the air since September 4, 2012 due to management personnel changes. There was no record that South Texas FM Investments, LLC notified the FCC of its temporary discontinuance of operations.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁵ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, South Texas FM Investments, LLC, 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.⁶

4. In accordance with Section 1.16 of the Rules, we direct South Texas FM Investments, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of South Texas FM Investments, LLC with personal knowledge of the representations provided in South Texas FM Investments, LLC’s response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice

⁵ 47 U.S.C. § 308(b).

⁶ 47 C.F.R. § 1.89(c).

⁷ 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.

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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.⁸

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:

Federal Communications Commission
Dallas Office
9330 LBJ Freeway, Suite 1170
Dallas, TX 75243

6. This Notice shall be sent to South Texas FM Investments, LLC at its address of record.

7. The Privacy Act of 1974⁹ 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

James D. Wells
District Director
Dallas District Office
South Central Region
Enforcement Bureau

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

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).