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**Federal Communications Commission**

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

In the Matter of	)	
	)	
Turquoise Broadcasting Company, LLC	)	File No. EB-FIELDWR-12-00005355
Licensee of FM Translator Station K281AZ	)	
Facility ID # 142643	)	
Seward, Alaska	)	NOV No. V201332780003

**NOTICE OF VIOLATION**

**Released: December 19, 2012**

By the Resident Agent, Anchorage Resident Agent 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 Turquoise Broadcasting Company, LLC, licensee of FM translator station K281AZ in Seward, Alaska. 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 October 23, 2012, agents of the Enforcement Bureau's Anchorage Resident Agent Office inspected FM translator station K281AZ located off of 4<sup>th</sup> Avenue and Van Buren Street, Seward, Alaska and observed the following violations:

- a. 47 C.F.R. § Section 74.1265(b): "The call sign of the translator or booster together with the name, address, and telephone number of the licensee or local representative of the licensee if the licensee does not reside in the community served by the translator or booster, and the name and address of a person and place where station records are maintained, shall be displayed at the translator or booster site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee." The agents did observe a display posted at the transmitting antenna site; however, the contact listed was not local to the Seward, Alaska area. In addition, the display did not list the name and address of a person and place where station records are to be maintained.
- b. 47 C.F.R. § Section 74.1284(b): "The licensee of an FM translator shall not rebroadcast the programs of any AM or FM broadcast station or other FM translator without obtaining prior consent of the primary station whose programs are proposed

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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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to be re-transmitted. The Commission shall be notified of the call letters of each station rebroadcast and the licensee of the FM translator shall certify that written consent has been received from the licensee of the station whose programs are retransmitted.” The primary station provided on the station authorization is KWVV-FM, which is licensed to Peninsula Communications, Inc. The agents monitored the translator programming and heard the re-broadcast programming identify as KXBA. The agents failed to locate any notification of the call letters and certification of written consent.

3. 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, Turquoise Broadcasting Company, 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.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Turquoise Broadcasting Company, 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 Turquoise Broadcasting Company, LLC, with personal knowledge of the representations provided in Turquoise Broadcasting Company, LLC, 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 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.<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)’.” 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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Anchorage Resident Agent Office  
P.O. Box 231949  
Anchorage, Alaska 99523-1949

6. This Notice shall be sent to Turquoise Broadcasting Company, LLC 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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>8</sup>

FEDERAL COMMUNICATIONS COMMISSION

Marlene Windel  
Resident Agent  
Anchorage Resident Agent Office  
Western Region  
Enforcement Bureau

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

<sup>8</sup> 18 U.S.C. § 1001 *et seq.*