

**Federal Communications Commission**

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

In the Matter of	)	
	)	
KYWN Radio Inc.	)	File No.: EB-FIELDWR-13-00011391
	)	
Licensee of Station KYWN	)	
	)	
Meridian, Oregon	)	NOV No.: V201432920001
	)	
	)	Facility ID: 129380

**NOTICE OF VIOLATION**

**Released: October 31, 2013**

By the Resident Agent, Portland 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 KYWN Radio Inc. (KYWN), licensee of radio station KYWN in Meridian, Idaho. 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 violation noted herein.<sup>2</sup>

2. On July 16 and 17, 2013, an agent of the Enforcement Bureau’s Portland Office attempted to inspect radio station KYWN at an address listed in the Boise’s Yellow Page Directory at location 1050 Clover Drive, Boise, Idaho. The inspecting agent observed that KYWN was on the air on frequency 890 kHz but there was no station personnel present at the main studio listed at the above address. On August 7, 2013, the FCC Portland Office issued a Letter of Inquiry asking KYWN to provide the current address for its main studio. In a Letter of Response, dated August 20, 2013, KYWN indicated that the new main studio address is 1014 N. 3<sup>rd</sup> Avenue, Caldwell, Idaho 83605. On that same date August 20, 2013, KYWN, also sent a Notice of Change of Main Studio Address with the FCC in Washington, D.C. The referenced Notice was subsequently received by the FCC on August 26, 2013.

- a. 47 C.F.R. § 73. 1125(d)(1): “Relocation of the main studio may be made from one point to another within the locations described in paragraph (a) or (c) of this section, or from a point outside the locations specified in paragraph (a) or (c) to one within those locations, without specific FCC authority, but notification to the FCC in Washington shall be made

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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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promptly.” KYWN failed to notify the FCC of its new address for the main studio in a timely manner. KYWN notified the FCC of the change only after receiving a Letter of Inquiry from the Portland Office.

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, KYWN, 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 KYWN to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of KYWN with personal knowledge of the representations provided in KYWN’s 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:

Federal Communications Commission  
Portland Resident Agent Office  
PO Box 61469  
Vancouver, WA 98666-1469

6. This Notice shall be sent to KYWN Radio Inc. at the address of record.

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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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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

Binh Nguyen  
Resident Agent  
Portland 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).