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**Federal Communications Commission**

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

In the Matter of	)	
	)	
INCA Communications, Inc.	)	File No.: EB-FIELDWR-13-00011570
Licensee of Station KXOL	)	
Facility ID 87107	)	
	)	NOV No.: V201432800001
Brigham City, UT	)	

**NOTICE OF VIOLATION**

**Released:** November 7, 2013

By the District Director, Denver District 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 INCA Communications, Inc. (INCA), licensee of radio station KXOL in Brigham City, UT. 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>

On August 27, 2013, an agent of the Enforcement Bureau's Denver District Office attempted an inspection of radio station KXOL located at 4455 South 5500 West, in Hooper, Utah, and observed the following violations:

- a. 47 C.F.R. § 73.1125(d)(1): "Relocation of the main studio may be made: (1) 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 (a) or (c) to within those locations, without specific FCC authorization, but notification to the FCC in Washington shall be made promptly" At the time of the attempted inspection the studio was no longer at 4455 South 5500 West, in Hooper, Utah, a current studio address was not on file with the FCC.
- b. 47 C.F.R. § 73.1125(e): "Each AM, FM, TV and Class A TV broadcast station shall maintain a local telephone in its community of license or a toll-free number." At the time of the attempted inspection on August 27, 2013 the phone number on record with the FCC was disconnected. No other phone number for the station was found in publicly available sources.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

## Federal Communications Commission

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2. 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, INCA 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>

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

4. 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  
Denver District Office  
215 S. Wadsworth Blvd., Suite 303  
Lakewood, CO 80226

5. This Notice shall be sent to INCA Communications, Inc., at its 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.

## **Federal Communications Commission**

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6. 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

Nikki P. Shears  
District Director  
Denver District Office  
Western Region  
Enforcement Bureau

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