

Federal Communications Commission

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

In the Matter of)	File No.: EB-FIELDSCR-14-00014684
)	
Tejas Broadcasting LTD., LLP)	NOV No.: V201432500022
Licensee of Station KTNZ (AM))	
)	Facility ID: 31462
Amarillo, Texas)	
)	
)	

NOTICE OF VIOLATION

Released: May 1, 2014

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 Tejas Broadcasting LTD., LLP, licensee of Station KTNZ (AM) in Amarillo, Texas. 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(s) noted herein.²

2. On March 18, 2014, an agent of the Enforcement Bureau’s Dallas Office inspected Station KTNZ (AM) located at Amarillo, Texas, and observed the following violation(s):

- a. 47 C.F.R. § 73.1560(d): “In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC. . . . If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see § 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.” Station KTNZ (AM) is authorized to operate with daytime power of 5 kW. At the time of inspection, Station KTNZ (AM) was operating at 1.3 kW. The station’s Chief Engineer stated that Station KTNZ (AM) had been operating at less than authorized power since January 2014.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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There was no record that Tejas Broadcasting LTD., LLP had notified the FCC regarding its underpower operations.

- b. 47 C.F.R. § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.” On March 17, 2014, an agent of the Dallas Office monitored Station KTNZ (AM) and observed that the Station did not change from day to night patterns after sunset.

- c. 47 C.F.R. § 73.1800(a): “The licensee of each station must maintain a station log as required by § 73.1820. This log shall be kept by station employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this part, must accurately reflect the station operation. Any employee making a log entry shall sign the log, thereby attesting to the fact that the entry, or any correction or addition made thereto, is an accurate representation of what transpired.” At the time of the inspection, Station KTNZ (AM) was unable to produce a station log for KTNZ (AM).

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Tejas Broadcasting LTD., LLP 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.⁴

4. In accordance with Section 1.16 of the Rules, we direct Tejas Broadcasting LTD., LLP to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Tejas Broadcasting LTD., LLP with personal knowledge of the representations provided in Tejas Broadcasting LTD., LLP’s response, verifying the truth and accuracy of the information therein,⁵ 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

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ 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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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.⁶

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, Texas 75243

6. This Notice shall be sent to Tejas Broadcasting LTD., LLP at its address of record.

7. The Privacy Act of 1974⁷ 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

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).