

Federal Communications Commission

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

In the Matter of)	File No.: EB-FIELDSCR-14-00015203
)	
Tejas Broadcasting LTD., LLP)	NOV No.: V201432500025
Licensee of Stations KBZD, KQFX, KTNZ, KZIP)	Facility ID: 16415, 31462, 33449, 61033
)	
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 radio stations KBZD, KQFX, KTNZ (AM), and KZIP (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 the shared main studio for Stations KBZD, KQFX, KTNZ (AM), and KZIP (AM) located in Amarillo, Texas, and observed the following violation(s):

- a. 47 C.F.R. § 11.35(a): “EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received or sent must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams . . .” Stations KBZD, KQFX, KTNZ (AM), and KZIP (AM) are co-located and co-owned stations sharing EAS equipment. At the time of the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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inspection, when the all of the stations were in operation, the EAS equipment for Station KTNZ (AM) was operational but was not properly installed to send the required weekly tests (RWTs) for Stations KBZD, KQFX and KZIP (AM). Moreover, Stations KBZD, KQFX, KTNZ (AM), and KZIP (AM) did not have any EAS logs for the last two years. According to the printouts from the EAS equipment, Station KTNZ (AM) received but did not send multiple RWTs, and required monthly and CAP tests over the three months prior to the inspection. Station KTNZ (AM) had no explanation for why the required tests had been sporadically missed.

3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its licensees.

4. 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

5. 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 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

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.

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

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6. 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

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

8. 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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).