

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Radio Power, Inc.	)	File No.: EB-FIELDNER-14-00015369
Licensee of Station WAMO	)	
Wilkinsburg, Pennsylvania	)	NOV No.: V201432400023
	)	
	)	Facility ID: 25732
	)	

**NOTICE OF VIOLATION**

**Released: May 12, 2014**

By the District Director, Philadelphia Office, Northeast 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 Radio Power, Inc, licensee of AM Station WAMO in Wilkinsburg, Pennsylvania. 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 April 24, 2014, agents of the Enforcement Bureau’s Philadelphia Office inspected AM Station WAMO located in Wilkinsburg, Pennsylvania, and observed the following violations:

- a. 47 C.F.R. § 11.35(a): “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 must be made in the broadcast station log as specified in sections 73.1820 and 73.1840 of this chapter for all broadcast streams . . . .” There were no entries in the station’s logs indicating why the station had not received any EAS tests from Station WLTJ since April 10, 2014.
  
- b. 47 C.F.R. § 11.61(a)(2)(i)(A): “Analog and digital AM, FM, and TV broadcast stations must conduct tests of the EAS header and EOM codes at least once a week at random days and times.” At the time of the inspection,

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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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Station WAMO had no record of any EAS weekly transmit tests being conducted between April 1, 2014 and April 20, 2014.

- c. 47 C.F.R. § 11.52(d)(1) “With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities.” The Emergency Alert System Plan for Pennsylvania specifies that WAMO must monitor Local Primary Stations KDKA and WQED. On April 24, 2014, agents from the Philadelphia Office observed Station WAMO’s EAS equipment was instead monitoring Stations KDKA and WLTJ.
- d. 47 C.F.R. § 11.52(d)(2) "With respect to monitoring EAS messages formatted in accordance with the specifications set forth in §11.56(a)(2), EAS Participants' EAS equipment must interface with the Federal Emergency Management Agency's Integrated Public Alert and Warning System (IPAWS) to enable (whether through “pull” interface technologies, such as Really Simple Syndication (RSS) and Atom Syndication Format (ATOM), or “push” interface technologies, such as instant messaging and email) the distribution of Common Alert Protocol (CAP)-formatted alert messages from the IPAWS system to EAS Participants' EAS equipment." At the time of inspection, WAMO did not have a system installed which is capable of interfacing with the IPAWS or CAP systems.
- e. 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." Agents from the Philadelphia Office observed Station WAMO continue to operate after 8:00 PM EDT on April 23, 2014, and before 6:15 AM EDT on April 24, 2014, despite having no authorization to operate at those times.<sup>3</sup>

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 regulatees. We also must investigate violations of other rules that apply to broadcast licensees.

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<sup>3</sup> Station WAMO is authorized for daytime only operation under license BL-20070510AHO. Local sunset time for WAMO's transmitter location in Wilkinsburg, Pennsylvania is 8:00 PM EDT for the month of April. WAMO has a Pre-Sunrise Authority to begin operations at 6:15 AM. WAMO does not have any authorization to operate outside of the hours between 6:15 AM and 8:00 PM EDT for the month of April.

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4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Radio Power, Inc. 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>5</sup>

5. In accordance with Section 1.16 of the Rules, we direct Radio Power, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Radio Power, Inc. with personal knowledge of the representations provided in Radio Power, Inc.'s response, verifying the truth and accuracy of the information therein,<sup>6</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>7</sup>

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  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

7. This Notice shall be sent to Radio Power, Inc. at its address of record.

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<sup>4</sup> 47 U.S.C. § 308(b).

<sup>5</sup> 47 C.F.R. § 1.89(c).

<sup>6</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>7</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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8. The Privacy Act of 1974<sup>8</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.

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David Dombrowski  
District Director  
Philadelphia Office  
Northeast Region  
Enforcement Bureau

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<sup>8</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).