

**Federal Communications Commission**

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

In the Matter of	)	
	)	
STUCOMM, Inc.	)	File No.: EB-FIELDSCR-14-00016784
Licensee of FM Translator Station W237DF	)	
	)	NOV No.: V2014326400012
Lexington, Virginia	)	
	)	Facility ID: 147184

**NOTICE OF VIOLATION**

**Released: August 25, 2014**

By the Resident Agent, Norfolk 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)<sup>1</sup> to STUCOMM, Inc., licensee of FM Translator Station W237DF, in Lexington, Virginia. 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.<sup>2</sup>

2. On August 5, 2014 and August 6, 2014, in response to a complaint regarding translator station violations, an agent of the Enforcement Bureau's Norfolk Office monitored the signal of FM Translator Station W237DF and observed the following violation(s):

- a. 47 C.F.R. § 74.1234(a)(1) and (2): "A station authorized under this subpart may be operated without a designated person in attendance if the following requirements are met: If the transmitter site cannot be reached promptly at all hours and in all seasons, means shall be provided so that the transmitting apparatus can be turned on and off at will from a point which is readily accessible at all hours and in all seasons. The transmitter shall also be equipped with suitable automatic circuits which will place it in a non-radiating condition in the absence of a signal on the input channel." On August 5, 2014 and August 6, 2014, the unattended translator was radiating in the absence of a signal on the input channel. On August 6, 2014, the station manager, and his technical assistant, confirmed that the site was without means to turn the transmitting apparatus on and off at will from a point, which is readily accessible at all hours and in all seasons.

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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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3. On August 6, 2014, an agent of the Enforcement Bureau's Norfolk Office inspected Translator Station W237DF and observed the following violation(s):

- a. 47 C.F.R. § 74.1231(b): "An FM translator may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station or another translator station the signal of which is received directly through space, converted, and suitably amplified, and originating programming to the extent authorized in paragraphs (f), (g), and (h) of this section." At the time of inspection, the signal from the primary FM radio broadcast station was being received via the internet and not directly through space.
- b. 47 C.F.R. § 74.1265(b): "The call sign of the translator or booster together with the name, address, and telephone number of the licensee or local representative of the licensee, if the licensee does not reside in the community served by the translator or booster, and the name and address of a person and place where station records are maintained, shall be displayed at the translator or booster site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared to withstand normal weathering for a reasonable period of time and shall be maintained in legible condition by the licensee." At the time of inspection, no information concerning FM Translator Station W237DF was displayed at the translator site on the structure supporting the transmitting antenna that was visible to the FCC agent standing on the ground.

4. 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, STUCOMM, 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>4</sup>

5. In accordance with Section 1.16 of the Rules, we direct STUCOMM, 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 STUCOMM with personal knowledge of the representations provided in STUCOMM's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that

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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,

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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>

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  
Norfolk Office  
1457 Mount Pleasant Rd., Suite 113  
Chesapeake, Virginia, 23322

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

Luther Bolden  
Resident Agent  
Norfolk District Office  
South Central Region  
Enforcement Bureau

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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.

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