

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Hispanic Target Media, Inc.	)	File No.: EB-FIELDSCR-16-00021796
Licensee of Station KPQP	)	
	)	NOV No.: V201632500006
Panhandle, Texas	)	
	)	Facility ID: 189483
	)	

**NOTICE OF VIOLATION**

**Released: August 23, 2016**

By the Regional Director, Dallas Office, Region Two, 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 Hispanic Target Media, Inc., licensee of Station KPQP in Panhandle, 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.<sup>2</sup>

2. On June 22, 2016, an agent of the Enforcement Bureau’s Dallas Office inspected Station KPQP located in Amarillo, Texas, and observed the following violation(s):

- a. 47 C.F.R. § 11.35(a): “[Emergency Alert System] EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, Attention Signal generating and receiving equipment, and Intermediate Devices used as part of the EAS to decode and/or encode messages formatted in the EAS Protocol and/or the Common Alerting Protocol are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation.” At the time of the inspection, Station KPQP had no EAS equipment. The station manager stated that the EAS equipment was broken and was in the repair shop two weeks prior to the inspection date. On July 29, 2016, Ms. Francisco San

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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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Millan informed the agent that the EAS was installed on June 28, 2016. There were no documents providing that the EAS equipment was sent for repair.

- b. 47 C.F.R. § 73.1125(a)(3): “Except for those stations described in paragraph (b) of this section, each AM, FM, and TV broadcast station shall maintain a main studio at one of the following locations: (1) Within the station's community of license; (2) At any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (3) Within twenty-five miles from the reference coordinates of the center of its community of license as described in § 73.208(a)(1).” At the time of the inspection, the agent observed that KPQP’s studio located at 2801 Wolflin Avenue, Amarillo, Texas, was more than twenty-nine miles from the boundaries of Panhandle city.
  - c. 47 C.F.R. § 73.3526: “Every permittee or licensee of an AM, FM, or TV station in the noncommercial educational broadcast services shall maintain a public inspection file.” At the time of the inspection, the agent observed that the public inspection files made available were missing issues-program listings, list of donors supporting specific program, letters and email comments from public available, and public and broadcasting manual.
  - d. 47 C.F.R. § 73.1820(a)(1)(iii): Station log. *All stations*: “An entry of each test and activation of the Emergency Alert System (EAS) pursuant to the requirement of part 11 of this chapter and the EAS Operating Handbook. Stations may keep EAS data in a special EAS log which shall be maintained at a convenient location; however, this log is considered a part of the station log.” At the time of inspection, the agent observed that there was no EAS log nor station log.
  - e. 47 C.F.R. § 1.903(a): Authorization required. “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” At the time of the inspection, Station KPQP was operating with a single-bay antenna while its license authorizes a six-bay antenna.
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

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Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees.

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, Hispanic Target Media, 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 Hispanic Target Media, 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 Hispanic Target Media, Inc. with personal knowledge of the representations provided in Hispanic Target Media, Inc.'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>
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

7. This Notice shall be sent to Hispanic Target Media, 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.

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8. 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

Ronald D. Ramage  
Regional Director  
Region Two  
Enforcement Bureau

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