

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

In the Matter of)	
)	
Kern Community Radio Inc.)	
)	
Licensee of Station KSVG)	File Nos.: EB-FIELDWR-17-00024250
Mettler, California)	
)	

NOTICE OF VIOLATION

Released: July 25, 2017

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Kern Community Radio Inc. (KCR Inc.), licensee of FM radio station KSVG in Bakersfield, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Federal Communications Commission's (Commission's) Enforcement Bureau (Bureau) from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On May 23, 2017, Agents from the Bureau's Los Angeles Office monitored and inspected KSVG station facilities in Bakersfield, California, and observed violations of the following rules:

- a. 47 CFR § 73.1350(a): "Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules . . . and in accordance with the terms of the station authorization."³
Agents could not hear the station in the vicinity of its licensed location and used radio direction-finding techniques to locate it at 35° 23' 05 " north latitude, 118° 58' 18 " west longitude, which was over 28 miles from the licensed location. During the subsequent inspection of the station's actual operating location, the licensee stated that the station had first been moved from its authorized location sometime in June of 2016.
- b. 47 CFR § 73.1560(d): "*Reduced power operation*. 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,

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 CFR § 73.1350(a).

DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. 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”. During the inspection on May 23, 2017, the agents observed the station operating with a transmitter power output (TPO) of 420 watts. With the antenna and feedline in use the agents calculated that the effective radiated power (ERP) of KSVG was 191 watts. This power level is far below the 1700 watts authorized ERP for KSVG. The licensee stated that the station had been operating at this level for about one month and that no notification to Media Bureau had been sent.

- c. 47 CFR § 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.”⁴ At the time of the inspection, the FCC agents observed that KSVG was receiving CAP alerts but only one other source for EAS alerts and tests and that source was not one of the sources identified in the Kern County CA EAS plan.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁵ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, KCR 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.⁶

4. In accordance with Section 1.16 of the Rules, we direct KCR 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 KCR Inc. with personal knowledge of the representations provided in KCR Inc.’s response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information

⁴ 47 CFR 11.52(d)(1).

⁵ 47 U.S.C. § 403.

⁶ 47 CFR § 1.89(c).

⁷ 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)’.”

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.⁸

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
Los Angeles Office
18000 Studebaker Rd. #660
Cerritos, CA 90703

6. This Notice shall be sent to Kern Community Radio Inc. at its address of record.

7. The Privacy Act of 1974⁹ 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

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

47 CFR § 1.16.

⁸ 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

⁹ See 5 U.S.C. § 552a(e)(3).