

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Mount Olive Broadcasting Co.	)	File No.: EB-FIELDNER-17-00024720
	)	
Licensee of Station WDJS (AM)	)	Facility ID No.: 43909
	)	
Mount Olive, North Carolina	)	

**NOTICE OF VIOLATION**

**Released: December 13, 2017**

By the Regional Director, Region One, 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 Mount Olive Broadcasting Co. (Mount Olive or Company), operator of AM broadcast station WDJS in Mount Olive, North Carolina. 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 March 10, 2017, an agent of the Enforcement Bureau's Columbia Office inspected the Mount Olive broadcast station located in Mount Olive, North Carolina, and observed the following violations:

- a. 47 CFR § 73.1225(a): "The licensee of a broadcast station shall make the station available for inspection by representatives of the FCC during the station's business hours, or any time the station is in operation." On March 10, 2017, the Commission agent was unable to complete a full inspection of station WDJS because there was no staff or managerial presence at the station's main studio at 990 N. Main Street, Mount Olive, North Carolina between 11:10 (EST) and 13:45 (EST). The agent called the station at its specified phone number several times during this period but no one representing the station answered the calls.

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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- b. 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 set forth elsewhere in this part and in accordance with the terms of the station authorization.” Mount Olive is authorized under its license BL-20070514AUC to operate Station WDJ5 during daytime and nighttime hours from a multiple antenna array located at coordinates 35° 12’ 01” North Latitude and 078° 07’ 23” West Longitude. On March 10, 2017, the FCC Agent observed that Mount Olive was transmitting from an antenna structure assigned antenna structure registration (ASR) number 1241013, located at coordinates 35° 12’ 26.2” North Latitude and 78° 03’ 19.2” West Longitude. The antenna structure is located at the WDJ5 studio, which is 3.9 miles from the station authorization location. There was no evidence that the Commission had granted Mount Olive a license modification or Special Temporary Authority to operate from the antenna structure site.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Sections 0.111 and 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken.<sup>4</sup> Therefore, Mount Olive 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>

4. In accordance with Section 1.16 of the Rules, we direct Mount Olive to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Company with personal knowledge of the representations provided in Mount Olive’s response.<sup>6</sup> The affidavit or declaration must verify the truth and accuracy of the information therein, and state that all of the information requested by this Notice that is in the Company’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>

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 CFR §§ 0.111, 1.89.

<sup>5</sup> 47 CFR § 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)’.” *Id.* § 1.16.

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

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5. All replies and documentation sent in response to this Notice should be marked with the File Number specified above, and mailed to the following address:

Federal Communications Commission  
Office of Director – Region One  
P.O. Box 130  
Columbia, Maryland 21045

6. This Notice shall be sent to Mount Olive Broadcasting Co. at its address of record.

7. 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.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
Regional Director  
Region One  
Enforcement Bureau

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