

Federal Communications Commission

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

In the Matter of)
) File No.: EB-FIELDSCR-17-00023427
Westface Ventures, LLC)
Licensee of Station K253AN)
)
Austin, Texas)

NOTICE OF VIOLATION

Released: December 14, 2017

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the rules of the Federal Communications Commission¹ to Westface Ventures, LLC, licensee of FM translator station K253AN, Austin, Texas (Facility ID No. 139280) (Station). Pursuant to Section 1.89(a) of the Commission’s rules, issuance of this Notice does not preclude the Enforcement Bureau (Bureau) from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On April 20, 2017 Agents of the Bureau’s Dallas Field Office inspected the Station operating in Austin, Texas and observed the following violations:

- a. 47 CFR § 1.903(a): “General rule. 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.”³ During the inspection on April 20, 2017 the Agents observed the Station operating from an unauthorized location with the geographic coordinates of 30° 19’ 23” North Latitude, 097° 47’ 58” West Longitude. This location is 13 miles from the location authorized on the Station’s license.⁴ In addition, during the April 20, 2017 inspection, the agents observed the Station operating with a transmitter

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 CFR 1.903. The term “Wireless Radio Services” is defined as including all radio services authorized under Part 74 of the Commission’s rules, thus encompassing the Station, which is an FM translator authorized under Part 74, Subpart L. 47 CFR § 1.907.

⁴ See FCC File No. BLFT-20130708ABY (License).

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power output (TPO) of 527 Watts which is 15.8% above the authorized power of 455 Watts. The Agents also observed that the antenna height above ground was 304 meters, which exceeded the authorized height of 90 meters.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁵ and Section 1.89 of the Commission's rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Westface Ventures, LLC 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 Commission's rules, we direct Westface Ventures, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Westface Ventures, LLC with personal knowledge of the representations provided in Westface Ventures, LLC's response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice which is in the Westface Ventures, LLC'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. specified above, and mailed to the following address:

Federal Communications Commission
Atlanta Regional Office
P.O. Box 1493
Powder Springs, GA 30127

6. This Notice shall be sent to Westface Ventures, LLC at its address of record.

⁵ 47 U.S.C. § 308(b).

⁶ 47 CFR § 1.89(c).

⁷ Section 1.16 of the Commission's 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 CFR § 1.16.

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

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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.

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Ronald Ramage
Regional Director
Region Two
Enforcement Bureau

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).