

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

In the Matter of	)	
	)	
Machine Project	)	
	)	
Licensee of Station KZUT-LP	)	File No: EB-FIELDWR-17-00024883
Los Angeles, California	)	
	)	

**NOTICE OF VIOLATION**

Released: December 18, 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 rules of the Federal Communications Commission<sup>1</sup> to Machine Project, licensee of FM radio station KZUT-LP, Los Angeles, California. Pursuant to Section 1.89(a) of the Commission's rules, issuance of this Notice does not preclude the 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.<sup>2</sup>

2. On October 17, 2017 an Agent from the Bureau's Los Angeles Office inspected KZUT-LP station facilities in Los Angeles, California, and observed violations of the following rules:

- a. 47 CFR § 11.35(a): "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. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in §11.61(a)(1) and (2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in §§73.1820 and 73.1840 of this chapter for all broadcast streams and cable system records as specified in §§76.1700, 76.1708, and 76.1711 of this chapter. All other EAS Participants must also keep records indicating reasons why any tests were not received and these records must be retained for two years, maintained at the EAS Participant's headquarters, and made available for public inspection upon reasonable request." At the time of the inspection the Agent from the Bureau's Los Angeles Office requested copies of EAS logs

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

from June 25, 2017 to October 17, 2017. Upon reviewing the station's EAS logs, the Agent observed the following deficiencies: (1) the EAS logs contained no record of the June 27, 2017, required monthly test, nor did the logs contain any explanation why the station failed to receive and transmit the June 27, 2017 required monthly test; (2) the EAS logs contained no records that the station received any tests or alerts from KCBS-FM between October 6, 2017 and October 17, 2017, nor did the logs contain an explanation why the station did not receive tests or alerts from KCBS-FM during this period; and (3) the EAS logs contained no records that the station received any tests or alerts from KROQ between July 26, 2017 and September 25, 2017, nor did the logs contain an explanation why the station did not receive tests or alerts from KROQ during this period.<sup>3</sup>

- b. 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."<sup>4</sup> At the time of the inspection, the EAS log showed several deficiencies: (1) on October 17, 2017, KZUT-LP received a test originating from KDAY (93.5 MHz), which is not an approved source under the Los Angeles County (CA) EAS Plan;<sup>5</sup> (2) between October 6, 2017 and October 17, 2017, the station was not receiving alerts or tests from two broadcast stations, as required under the Los Angeles EAS Plan;<sup>6</sup> and (3) between July 26, 2017, and September 25, 2017, the station was not receiving alerts or tests from two approved broadcast sources, as required under the Los Angeles EAS Plan.<sup>7</sup>

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>8</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Machine Project 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)

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<sup>3</sup> Los Angeles County Local Emergency Communications Committee, Los Angeles County (CA) EAS Plan, Communications Operations Order CA-LA 1, Monitoring Plan, Section 1.3 (Dec. 6, 2017), <http://www.caloes.ca.gov/WarningCenterSite/Documents/04-LA%20Monitor%20Plan.pdf> (Los Angeles EAS Plan) (providing that stations not otherwise assigned specific sources were to monitor two of the following broadcast stations: KFVB, KFI, or KNX, provided, that stations unable to receive KFVB, KFI, or KNX could, subject to confirmation by the Los Angeles County Emergency Communications Committee, alternatively monitor KROQ or KCBS-FM).

<sup>4</sup> 47 CFR § 11.52(d)(1).

<sup>5</sup> Los Angeles EAS Plan, Section 1.3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> 47 U.S.C. § 308(b).

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>9</sup>

4. In accordance with Section 1.16 of the Rules, we direct Machine Project to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Machine Project with personal knowledge of the representations provided in Machine Project's response, verifying the truth and accuracy of the information therein,<sup>10</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>11</sup>

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 Machine Project at its address of record.

7. The Privacy Act of 1974<sup>12</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

Lark Hadley  
Regional Director  
Region Three  
Enforcement Bureau

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<sup>9</sup> 47 CFR § 1.89(c).

<sup>10</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 CFR § 1.16.

<sup>11</sup> 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

<sup>12</sup> See 5 U.S.C. § 552a(e)(3).

