

Federal Communications Commission

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

In the Matter of)	
)	
Viva Media LLC)	
Licensee of KBEX)	File No.: EB-FIELDSCR-17-00025331
Facility ID: 15018)	
)	
Amarillo, Texas)	

NOTICE OF VIOLATION

Released: December 20, 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 Commission (FCC or Commission)¹ to Viva Media LLC, licensee of KBEX, in Amarillo, Texas (Station). Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the FCC’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 October 26, 2017, in response to a complaint that KBEX did not have a functioning Emergency Alert System (EAS), Agents of the Bureau’s Dallas Office inspected the Station and observed the following violation(s):

- a) 47 CFR § 73.1800(a): “The licensee of each station must maintain a station log as required by §73.1820. This log shall be kept by station employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this part, must accurately reflect the station operation. Any employee making a log entry shall sign the log, thereby attesting to the fact that the entry, or any correction or addition made thereto, is an accurate representation of what transpired.” At the time of inspection, Agents observed that there was no station log available.

- b) 47 CFR § 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

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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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, Agents observed that there was no EAS log nor station log available.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore Viva Media 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.⁴

4. In accordance with Section 1.16 of the Rules, we direct Viva Media 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 Viva Media LLC with personal knowledge of the representations provided in Viva Media LLC’s response, verifying the truth and accuracy of the information therein,⁵ 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.⁶

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
Office of the Director - Region Two
P.O. Box 1493
Powder Springs, GA 30127

6. This Notice shall be sent to Viva Media LLC at the address of record.

³ 47 U.S.C. § 403.

⁴ 47 CFR § 1.89(c).

⁵ 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.

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

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7. The Privacy Act of 1974⁷ 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
Director - Region Two
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).