

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

In the Matter of)	
)	
Pentecostal Temple Development Corporation)	File No.: EB-FIELDNER-17-00025268
)	
Licensee of Station WGBN)	
Facility ID # 59695)	
)	
McKeesport, Pennsylvania)	
)	

NOTICE OF VIOLATION

Released: February 1, 2018

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)¹ to Pentecostal Temple Development Corporation (Pentecostal), licensee of AM Station WGBN serving McKeesport, Pennsylvania. 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.²

2. On June 26, 2017, agents of the Enforcement Bureau's Region One inspected WGBN station facilities in Lincoln Borough, Pennsylvania and observed the following violations:

- a. 47 CFR § 73.1350(c)(1): "Monitoring procedures and schedules must enable the licensee to determine compliance with § 73.1560 regarding operating power and AM station mode of operation, § 73.1570 regarding modulation levels, and, where applicable, §73.1213 regarding antenna tower lighting, and §73.69 regarding the parameters of an AM directional antenna system" At the time of inspection there were no procedures and schedules in place for monitoring the transmitter's operating power, modulation levels, obstruction lighting, and parameters of the AM directional antenna system including monitoring points, antenna currents, and antenna phases.
- b. 47 CFR § 73.1350(c)(2): "Monitoring equipment must be periodically calibrated so as to provide reliable indications of transmitter operating parameters with a known degree of accuracy. Errors inherent in monitoring equipment and the

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

calibration procedure must be taken into account when adjusting operating parameters to ensure that the limits imposed by the technical rules and the station authorization are not exceeded.” At the time of inspection there were no calibration procedures in place to ensure the transmitter metering was operating properly and providing reliable readings.

- c. 47 CFR. § 73 158(a): “When a licensee of a station using a directional antenna system finds that a field monitoring point, as specified on the station authorization, is no longer accessible or is unsuitable because of nearby construction or other disturbances to the measured field, an application to change the monitoring point location, including FCC Form 302-AM, is to be promptly submitted to the FCC in Washington, DC.” At the time of the inspection, the monitoring points along the 6 degrees radial, 86 degrees radial, and 286 degrees radial were no longer accessible and no FCC Form 302-AM had been submitted to the Commission.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Pentecostal 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.⁵

4. In accordance with Section 1.16 of the Rules, we direct Pentecostal to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Pentecostal with personal knowledge of the representations provided in Pentecostal’s response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in Pentecostal’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.⁷

³ 47 U.S.C. § 308(b).

⁴ 47 U.S.C. § 403.

⁵ 47 CFR § 1.89(c).

⁶ 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.

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

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
Columbia Regional Office
P.O. Box 130
Columbia, Maryland 20145

6. This Notice shall be sent to Pentecostal Temple Development Corporation, 6300 East Liberty Boulevard, Pittsburgh, Pennsylvania 15206 and its counsel, Dan Alpert, 2120 North 21st Road, Arlington, Virginia 22201.

7. The Privacy Act of 1974⁸ 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
Federal Communications Commission

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).