

Federal Communications Commission

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

In the Matter of)
)
Calvary Educational Broadcasting Network) File No.: EB-FIELDNER-17-00025293
)
Owner of Antenna Structure No. 1007848)
)
Poplar Bluff, Missouri)
)

NOTICE OF VIOLATION

Released: April 11, 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 Calvary Educational Broadcasting Network dba KOKS, owner of Antenna Structure Number 1007848 in Poplar Bluff, Missouri. 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 violation(s) noted herein.²

2. On February 21, 2018, an Agent of the Enforcement Bureau’s Chicago Office inspected Antenna Structure Number 1007848 in Poplar Bluff, Missouri, and observed the following violation:

47 CFR § 17.6. “The antenna structure owner is responsible for maintaining the painting and lighting in accordance with this part.” At the time of the inspections, which was after sunset and before dawn, the Agent observed that the required nighttime obstruction lighting was not illuminated. The flashing red obstruction light at the top level of the antenna structure was extinguished and five of the six red steady-burning side markers were extinguished.³

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ On February 20, 2018 after receiving information of the obstruction lighting outage, the Commission reported the obstruction lighting outage to the Federal Aviation Administration Outage Reporting System maintained by Lockheed Martin. Out of caution, Lockheed Martin issued Notice to Airmen (NOTAM) Number 02-004. This was further extended to May 7, 2018. If Calvary Educational Broadcasting Network does not repair the obstruction lighting by May 7, 2018, the date the NOTAM will automatically expire, it will have to contact Lockheed Martin at 877-487-6867 to extend the NOTAM. If repairs are made before the NOTAM automatically expires, Calvary Educational Broadcasting Network will have to contact Lockheed Martin to cancel the NOTAM.

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3. Pursuant to 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, Calvary Educational Broadcasting Network 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 Calvary Educational Broadcasting Network to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Calvary Educational Broadcasting Network with personal knowledge of the representations provided in the Calvary Educational Broadcasting Network 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 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.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and both emailed (to FIELD@FCC.GOV) and mailed to the following address:

Federal Communications Commission
Region One Office
Enforcement Bureau
P.O. Box 130
Columbia, Maryland 21045

6. This Notice shall be sent to Calvary Educational Broadcasting Network dba KOKS at its address of record, with a copy to its counsel, Charles Naftalin, Holland & Knight, 800 17th St NW #1100, Washington, DC 20006.

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.

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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

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).