

Federal Communications Commission

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

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|-----------------------------|---|---------------------------------|
| In the Matter of |) | |
| |) | |
| Big Bear Theater Inc. |) | File No. EB-FIELDWR-18-00026231 |
| Licensee of Station KVBB-LP |) | |
| |) | |
| Facility ID: 193597 |) | |
| |) | |
| Big Bear Lake, California |) | |

NOTICE OF VIOLATION

Released: June 27, 2018

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules),¹ to Big Bear Theater Inc., licensee of Low Power FM (LPFM) station KVBB-LP in Big Bear Lake, California. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV 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 March 29, 2018, in response to a complaint, and in email communication with the licensee subsequent to the inspection, an Agent of the Enforcement Bureau’s Los Angeles investigated and found the following violations:

- a. 47 C.F.R. § 73.845: “Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization...” KVBB-LP is authorized to operate from coordinates 34° 14’ 34” N latitude and 116° 53’ 51” W longitude. On March 29, 2018, an Agent confirmed by direction finding techniques that radio station KVBB-LP was operating from a located at coordinates 34° 14’ 57.3” N latitude and 116° 52’ 58” W longitude, which is 1.09 miles from its authorized location.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 11.51(m)(2) “... (m) EAS Participants are required to transmit all received EAS messages in which the header code contains the Event codes for Emergency Action Notification (EAN) and Required Monthly Test (RMT), and when the accompanying location codes include their State or State/county. ... (2) ... All actions must be logged and include the minimum information required for EAS video messages.” On April 18, 2018, in an email communication with the FCC Agent, the licensee reported that his EAS logs for tests and activations before December 16, 2017 were missing.

3. Pursuant to Section 308(b) 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, Big Bear Theater Inc. 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 Big Bear Theater Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Big Bear Theater Inc. with personal knowledge of the representations provided in Big Bear Theater Inc.’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:

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 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 C.F.R. § 1.16.

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

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6. This Notice shall be sent to Big Bear Theater Inc. at its address of record.

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.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).