

Federal Communications Commission

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

In the Matter of)	
)	
FRC of Alabama, LLC)	
d/b/a Focus Radio Communications)	File No. EB-FIELDSCR-18-00028052
Licensee of Station W287DH)	
)	
Facility ID: 200684)	
)	
Huntsville, Alabama)	

NOTICE OF VIOLATION

Released: December 12, 2018

By the Regional
Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to FRC of Alabama, LLC (FRC), licensee of Low Power FM (LPFM) station W287DH in Huntsville, Alabama. 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 November 15, 2018, based on a complaint, agents of the Enforcement Bureau's Atlanta Office investigated and found the following violations:

47 C.F.R. § 74.751(b) Formal application (FCC Form 346) is required for any of the following changes ... (6) Any changes in the location of the transmitter except within the same building or upon the same pole or tower. The station W287DH is authorized to operate from 34-44-19 N, 086-31-56 W. On November 15, 2018, agents observed that Station W287DH was transmitting at coordinates 34-44-36.28 N, 86-31-56.03 W, approximately 0.33 miles from its authorized location. The Commission's records do not contain a formal application to modify the station's transmitting location as required by the Rules.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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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, FRC 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 timeline 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 FRC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of FRC with personal knowledge of the representations provided in FRC'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 and emailed to the following address:

Federal Communications Commission
Atlanta Regional Office
P.O. Box 1493
Powder Springs, GA 30127
FIELD@FCC.GOV

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 FRC of Alabama, LLC 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

Ronald Ramage
Regional Director, Region Two
Enforcement Bureau

⁷ 5 U.S.C. § 552a(e)(3).