

Federal Communications Commission

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

In the Matter of)	
)	
Rosecorp Trust)	File No. EB-FIELDWR-16-00021667
Licensee of Station KWCB-LP)	Facility ID: 124267
)	FRN: 0007978414
Wasco, California)	
)	
)	

NOTICE OF VIOLATION

Released: December 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 Rosecorp Trust (Rosecorp), licensee of Low Powered FM (LPFM) station KWCB-LP in Wasco, California. 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 14, 2017, during an inspection and in reviewing Rosecorp's response to the Commission's Letter of Inquiry (LOI) dated August 29, 2018, Agents of the Enforcement Bureau's Los Angeles Office investigated and found the following violations:

- a. 47 C.F.R. § 11.35(a): "EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, Attention Signal generating and receiving equipment, and Intermediate Devices used as part of the EAS to decode and/or encode messages formatted in the EAS Protocol and/or the Common Alerting Protocol are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in §11.61(a)(1) and (2). ... All other EAS Participants must also keep records indicating reasons why any tests were not received and these records must be retained for two years, maintained at the EAS Participant's headquarters, and made available for public inspection upon reasonable request." A review of EAS records from

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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August 11, 2017 until August 28, 2018 (55 weeks), which were provided by Rosecorp in response to the Commission's LOI, revealed that no tests or alerts were received for 24 of the 55 weeks. These records also indicated that, for the other 31 weeks, tests and alerts from only one of the two required off-the-air sources were received. Additionally, the records indicate that after January 8, 2018, for the 33 subsequent weeks, no records of tests or alerts from the Common Alert Protocol (CAP)-formatted alert were received. In response to the Commission's LOI, Rosecorp reported that it was not monitoring the correct second off-the-air LP station. However the records provided do not indicate that any second LP station was ever monitored.

- b. 47 C.F.R. 11.41 "All EAS Participants specified in §11.11 are categorized as Participating National (PN) sources, and must have immediate access to an EAS Operating Handbook." During the inspection on November 14, 2017 the licensee's representative did not have access to an EAS Operating Handbook. In the licensee's response to the LOI, he reported that the EAS Handbook was not available at the operator's duty station from June 20, 2017 until November 14, 2017.

3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of its rules implementing the EAS and expects full compliance from its regulatees.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended (Act), and Section 1.89 of the Commission's rules, we seek additional information concerning the violations and any remedial actions taken.³ Therefore, Rosecorp 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

5. In accordance with Section 1.16 of the Commission's rules, we direct Rosecorp to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Rosecorp with personal knowledge of the representations provided in Rosecorp's response, verifying the truth and accuracy of the information therein, 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.⁵ To knowingly and willfully make any false statement or conceal any

³ 47 U.S.C. 308(b); 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

⁵ Section 1.16 of the Commission's 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

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material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

6. 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
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
FIELD@FCC.GOV

7. This Notice shall be sent to Rosecorp Trust at P.O. Box 515, Wasco, CA, its address of record.

8. 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

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.

⁷ 5 U.S.C. § 552a(e)(3).