

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Faith Communications, Inc	)	File No. EB-FIELDNER-18-00027958
Licensee of AM Station WYRV	)	Facility ID: 9709
	)	FRN: 0007552649
	)	
	)	
Cedar Bluff, Virginia	)	

**NOTICE OF VIOLATION**

**Released: February 22, 2019**

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),<sup>1</sup> to Faith Communications, Inc (Faith), licensee of AM Station WYRV in Cedar Bluff, Virginia. 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.<sup>2</sup>

2. On November 18, 2018 and November 19, 2018, an Agent of the Enforcement Bureau’s Columbia Office inspected Station WYRV in Cedar Bluff, Virginia and observed 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.” At the time of the inspection, the last entry in the EAS log was a Required Weekly Test (RWT) transmitted on November 9, 2017. All previous log entries were transmitted RWT test initiated by Faith. As such, there was no evidence

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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that any EAS tests or alerts were received. Additionally, there were no records in the station logs that Faith received any EAS tests or alerts in the Common Alert Protocol (CAP).<sup>3</sup> Finally, Faith failed to make any entries in the logs for Station WYRV to indicate the reasons why it failed to receive the EAS activations from the assigned LP-1 Station WMEV-FM, LP-2 Station WBRF-FM<sup>4</sup> and FEMA's IPAWS network for at least the past year.

- b. 47. C.F.R. § 17.48: "Unless otherwise specified by the Commission, each new or altered antenna structure must conform to the FAA's painting and lighting specifications set forth in the FAA's final determination of 'no hazard' and the associated FAA study for that particular structure." The WYRV Antenna Structure is subject to the Antenna Structure Registration Number 1013998 which applies painting and lighting requirements from FCC Paragraphs 1, 3, 11, 21. The FCC Paragraphs require that the antenna structures must be painted for daytime marking and must display red obstruction lighting during the nighttime that includes a top-level beacon and two mid-level steady burning side markers.<sup>5</sup> On November 18, 2018 at 5:45 p.m., the Agent observed that both mid-level steady burning side markers were extinguished on Antenna Structure 1013998.

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.<sup>6</sup> Therefore, Faith 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

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<sup>3</sup> WYRV has a Gorman Redlich, CAP-DEC1 unit in the equipment rack. However, it was not connected to A/C power and it was not connected to the internet via an Ethernet cable.

<sup>4</sup> The LP-1 and LP-2 assignments for WYRV and the Operational Area of Marion are noted on page 33 of the Commonwealth of Virginia Emergency Alert System Plan, Interim version of Approved Version 15 May 2006, current as of April 20, 2018. This document is available at <https://www.jmu.edu/wmra/eas/vaplan.pdf> (last visited February 20, 2019)).

<sup>5</sup> Certain existing structures have been assigned "FCC Paragraphs," instead of chapters from FAA Advisory Circulars. For these structures, the assigned FCC Paragraphs (which outline specific painting and lighting requirements) will be printed directly on the Registration. See FCC Paragraphs at <https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/antenna-painting-lighting#block-menu-block-4> (Antenna Painting and Lighting Specifications).

<sup>6</sup> 47 U.S.C. 308(b); 47 CFR § 1.89.

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by reference to other communications or answers to other notices.<sup>7</sup>

5. In accordance with Section 1.16 of the Commission's rules, we direct Faith to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Faith with personal knowledge of the representations provided in Faith'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.<sup>8</sup> 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.<sup>9</sup>

6. 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  
Enforcement Bureau  
Columbia Regional Office  
9050 Junction Drive  
Annapolis, Maryland 20701

7. This Notice shall be sent to Faith Communications, Inc, 19463 Dismal River Road, Whitewood, Virginia 24657.

8. The Privacy Act of 1974<sup>10</sup> 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.

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<sup>7</sup> 47 CFR § 1.89(c).

<sup>8</sup> 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 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.

<sup>9</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

<sup>10</sup> 5 U.S.C. § 552a(e)(3).

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David C. Dombrowski  
Regional Director  
Region One  
Enforcement Bureau  
Federal Communications Commission-