

Federal Communications Commission

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

In the Matter of)	
Baton Rouge Hispanic Education Family Foundation)	
KZLU-LP)	
)	File No. EB-FIELDSCR-19-00028491
)	
Facility ID: 196042)	
)	
Baton Rouge, Louisiana)	

NOTICE OF VIOLATION

Released: April 3, 2019

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 Baton Rouge Hispanic Education Family Foundation, permittee of Low Power FM (LPFM) station KZLU-LP in Baton Rouge, Louisiana. 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 6, 2019, based on a complaint, an agent of the Enforcement Bureau’s New Orleans Office investigated and found the following violation:

- a. 47 C.F.R. § 73.1610(a): “During the process of construction of a new broadcast station, the permittee, after notifying the FCC in Washington, D.C. may, without further authority from the FCC, conduct equipment tests for the purpose of making such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions ...” In accordance with Construction Permit File No. BNPL-20131114AQC, Station KZLU-LP has authority to conduct equipment tests from 30-25-39 N, 91-04-44 W after notifying the FCC. On February 6, an agent observed Station KZLU-LP was transmitting from coordinates 30-27-

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

Federal Communications Commission

00 N, 91-07-54 W, approximately 3.5 miles from its authorized location.

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, Baton Rouge Hispanic Education Family Foundation 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 Baton Rouge Hispanic Education Family Foundation to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Baton Rouge Hispanic Education Family Foundation with personal knowledge of the representations provided in Baton Rouge Hispanic Education Family Foundation' 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:

³ 47 U.S.C. § 308(b).

⁴ 47 CFR § 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 CFR § 1.16.

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

Federal Communications Commission

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

6. This Notice shall be sent to Baton Rouge Hispanic Education Family Foundation at its address of record, with a copy to its counsel, Dan Alpert, 2120 21st Rd. N., Arlington, VA 22201.

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).