

Federal Communications Commission

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

In the Matter of)	
)	
Akma Broadcast Network, Inc.)	File No.: EB-FIELDSCR-19-00028354
Licensee of Station WPSO (AM))	Facility ID: 685
)	
New Port Richey, Florida)	
)	
)	
)	

NOTICE OF VIOLATION

Released: April 16, 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 rules¹ to Akma Broadcast Network, Inc. licensee of radio station WPSO (AM) in New Port Richey, Florida. Pursuant to Section 1.89(a) of the Commission’s 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 March 25, 2019, Agents of the Enforcement Bureau’s Miami Office monitored radio station WPSO and observed the following violation(s):

- a. 47 C.F.R. § 73.1745(a): “No broadcast station shall operate at times, or with modes of power, other than those specified and made a part of the license, unless otherwise provided in this part.” According to your license, WPSO (AM) is only permitted to operate during daytime hours. In response to a complaint, Agents from the Miami Office monitored the field strength levels of station WPSO (AM) and observed the station operating between the hours of 7:45 p.m. and 8:30 p.m., which is after sunset at the licensed location.

3. 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, Akma Broadcast Network, 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

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 U.S.C. 308(b); 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

Federal Communications Commission

4. In accordance with Section 1.16 of the Commission's rules, we direct Akma Broadcast Network, 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 Akma Broadcast Network, Inc. with personal knowledge of the representations provided in Akma Broadcast Network, Inc.'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 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. and NOV No. specified above, and mailed to the following address:

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

6. This Notice shall be sent to Akma Broadcast Network, 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

Ronald D. Ramage
Regional Director, Region Two
Enforcement Bureau

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 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).