

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Liberman Broadcasting of Dallas License, LLC, Debtor-in-Possession	)	
	)	File No. EB-FIELDSCR-18-00028142
Licensee of Station KZMP AM Facility ID: 63551	)	
	)	
Owner of Antenna Structure ASR No. 1015399	)	
	)	
University Park, Texas	)	

**NOTICE OF VIOLATION**

**Released: April 17, 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),<sup>1</sup> to Liberman Broadcasting of Dallas License, LLC, Debtor-In-Possession (Liberman), licensee of AM station KZMP serving University Park, Texas and owner of antenna structure number 1015399 in Grand Prairie, Texas. 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.<sup>2</sup>

2. On December 19 and 20, 2018, based on a complaint, agents of the Enforcement Bureau’s Dallas Office investigated and found the following violations:

- a. 47 C.F.R. § 17.6(a): “The antenna structure owner is responsible for maintaining the painting and lighting in accordance with this part.” According to the FCC antenna structure registration, the tower exceeds 200 feet in height above ground and requires painting and lighting to meet the specifications of FAA Chapters 3, 4, 5 and 13 in accordance with FAA Circular Number 70/7460-1J (the structure should be painted; and have at its top a flashing red beacon along with steady burning red side obstruction lights at one half of the overall height of the tower,

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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and the lights shall be displayed continuously or controlled by a light sensitive device.) The agents noted that the tower was not painted and had two steady red obstruction lights, instead of a flashing red beacon, installed at the top of the antenna structure. One of the top lights was extinguished.

- b. 47 C.F.R. § 73.62(c)(3): “In the event of minor variations of directional antenna operating parameters from the tolerances specified in paragraph (a) of this section [“relative amplitudes of the antenna currents, mas indicated by the antenna monitor, within 5% of the values specified on the instrument of authorization”], the following procedures will apply...If any monitoring point exceeds its specified limit, the licensee must either terminate operation within three hours or reduce power in accordance with the applicable provisions of §73.1350(d), in order to eliminate any possibility of interference or excessive radiation in any direction.” The agents measured the 231.5 degree monitoring point value as 57 mV/m, which exceeded the 53 mV/m licensed value by 7.5%. The 354 degree monitoring point measured 181 mV/m, which exceeded the 164.45 mV/m licensed value by 10.1 %.
  
- c. 47 C.F.R. § 73.158(b): “When the description of the monitoring point as shown on the station license is no longer correct due to road or building construction or other changes, the licensee must prepare and file with the FCC, in Washington, DC, a request for a corrected station license showing the new monitoring point description. The request shall include the information specified in paragraphs (a)(3) and (a)(4) of this section, and a copy of the station's current license. A copy of the description is to be posted with the existing station license.” The 145 degree monitoring point states in part “... monitor point is 100 feet South of bridge and 75ft. East of Belt Line by large pile of rocks.” The monitoring point is now located on a new bridge and the large pile of rocks is no longer present. The 231.5 degree monitoring point states in part “... proceed 1.1 mi. South on Roy Orr to Trinity, then East 0.25 mi. to River Ridge, then North 100 ft. to intersection, then East 200 ft. to intersection, then North 300 ft. to end of street. Monitor Point is at end of street by dumpsters.” The dumpster is no longer at the end of the street and this area now has named streets.
  
- d. 47 C.F.R. § 73.1560(a)(1): “Except for AM stations using modulation dependent carrier level (MDCL) control technology, or as provided for in paragraph (d) of this section, the antenna input power of an AM station, as determined by the procedures specified in §73.51, must be maintained as near as practicable to the authorized antenna input power and may not be less than 90 percent nor greater than 105 percent of the authorized power ...” The agents noted the common point current reading value as 23.5A which was below the licensed value of 26A. Using the direct method, with an impedance value of 50 Ohms, the power was calculated to be 82% of the authorized 33.69 kW antenna input power.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> Section 403 of the Act,<sup>4</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Liberman 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.<sup>5</sup>

4. In accordance with Section 1.16 of the Rules, we direct Liberman to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Liberman with personal knowledge of the representations provided in Liberman's response, verifying the truth and accuracy of the information therein,<sup>6</sup> 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.<sup>7</sup>

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

6. This Notice shall be sent to Liberman Broadcasting of Dallas License, LLC, Debtor-in-Possession, at its address of record.

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 U.S.C. § 403.

<sup>5</sup> 47 CFR § 1.89(c).

<sup>6</sup> 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.

<sup>7</sup> 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

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

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage  
Regional Director, Region Two  
Enforcement Bureau

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<sup>8</sup> 5 U.S.C. § 552a(e)(3).