

Federal Communications Commission

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

In the Matter of)	
)	
Edgewater Broadcasting, Inc.)	
)	
Licensee of Station K280EU)	File No. EB-FIELDSCR-19-00028973
Facility ID: 153628)	
)	
Amarillo, Texas)	

NOTICE OF VIOLATION

Released: May 30, 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 Edgewater Broadcasting, Inc., licensee of station K280EU serving in Amarillo, 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.²

2. On April 23, 2019, based on a complaint, agent of the Enforcement Bureau’s Dallas Office inspected K280EU and found the following violation:
 - a. 47 C.F.R. § 74.23(a): “The licensee of any station authorized under this part that causes harmful interference, as defined in § 2.1 of the Commission's rules, to radio communications involving the safety of life or protection of property shall promptly eliminate the interference.” On April 19, 2019, the FAA confirmed that a signal of 119.5 MHz was emanating from the K280EU’s transmitters and interfering with their operations. On April 22, 2019, K280EU informed the FCC Agent that a bandpass filter was installed at the site to try and eliminate the interference. On April 23, 2019, the Agent confirmed no signal was observed on 119.5 MHz emanating from K280EU’s transmitters. On April 24, 2019, the FAA confirmed they were no longer receiving interference on 119.5 MHz.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,³ section 403 of the Act,⁴ and section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Edgewater Broadcasting, 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.⁵

4. In accordance with section 1.16 of the Rules, we direct Edgewater Broadcasting, 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 Edgewater Broadcasting, Inc. with personal knowledge of the representations provided in Edgewater Broadcasting, Inc.'s response, verifying the truth and accuracy of the information therein,⁶ 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.⁷

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 Edgewater Broadcasting, Inc., at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 U.S.C. § 403.

⁵ 47 CFR § 1.89(c).

⁶ 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.

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

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7. The Privacy Act of 1974⁸ 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

⁸ 5 U.S.C. § 552a(e)(3).