

Federal Communications Commission

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

In the Matter of)	
)	
Edgewater Broadcasting, Inc.)	File No. EB-FIELDWR-19-00029012
Licensee of Station K271BV)	
)	
Facility ID: 148589)	
)	
Twin Falls, Idaho)	

NOTICE OF VIOLATION

Released: June 21, 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),¹ to Edgewater Broadcasting, Inc. (Edgewater), licensee of FM translator station K271BZ in Santa Maria, California. Pursuant to section 1.89(a) of the Rules, issuance of this NOV 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 May 2, 2019, an Agent of the Enforcement Bureau’s Los Angeles Office monitored station K271BV in Santa Maria, CA and found the following violation:

- a. 47 CFR § 74.1251(b)(4): “Formal application on FCC Form 349 is required of all permittees and licensees for any of the following changes: ... Any change in the location of the translator or booster except a move within the same building or upon the same pole or tower.” According to its license in effect at the time of monitoring, K271BV is authorized to operate from 34-58-38 N, 120-25-52 W. The Agent used direction-finding techniques and determined it was not transmitting from those coordinates. On May 6, 2019, in response to the Agent’s questions, an Edgewater contract engineer stated K271BV was transmitting at coordinates 34-53-20 N, 120-35-52 W (approximately 11.3 miles from its licensed location). The Commission’s records currently contain K271BV’s formal application to modify the station’s transmitting location to 34-53-53 N, 120-35-26 W. It was received by the Commission on May 9, 2019.

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 and section 1.89 of the Rules, we seek additional information concerning the violation(s) and any remedial actions taken. Therefore, Edgewater 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

4. In accordance with section 1.16 of the Rules, we direct Edgewater 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 with personal knowledge of the representations provided in Edgewater's 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 to the following address:

Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
Email: FIELD@FCC.GOV

6. This Notice shall be sent to Edgewater at its address of record and its counsel, Tom Golding, Edgewater Broadcasting Inc., 160 Gooding Street West, Suite B, Twin Falls, ID 83301.

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 CFR § 1.17.

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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

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).