

Federal Communications Commission

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

In the Matter of)	
)	
Calvary Chapel of Twin Falls, Inc.)	
)	
Licensee of Station WSMA)	File No.: EB-FIELDNER-19-00029039
Facility Id: 122202)	
)	
Scituate, Massachusetts)	
)	

NOTICE OF VIOLATION

Released: June 27, 2019

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules (Rules)¹ to Calvary Chapel of Twin Falls, Inc. (Calvary), licensee of station WSMA serving Scituate, Massachusetts. 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 violations noted herein.²

2. On May 1, 2019, an agent of the Enforcement Bureau’s Boston Office investigated a complaint of interference and observed the following violation:

47 CFR § 73.317: “FM broadcast stations employing transmitters authorized after January 1, 1960, must maintain the bandwidth occupied by their emissions... should harmful interference to other authorized stations occur, the licensee shall correct the problem promptly or cease operation... Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least 43 + 10 Log10 (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation.” At the time of the on-scene investigation, the agent observed that Calvary was transmitting a spurious emission on the aeronautical frequency 189.5 MHz causing harmful interference to pilots on approach to the Plymouth Airport in Plymouth Massachusetts.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended³ and section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Calvary 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 Calvary to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Calvary with personal knowledge of the representations provided in Calvary'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 Calvary'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
EB Columbia Regional Office
9050 Junction Drive
Annapolis Junction, Maryland 20701

6. This Notice shall be sent to Calvary Chapel of Twin Falls, Inc., 4002 N. 3300 E., P.O. Box 391, Twin Falls, Idaho, 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.

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

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).