

Federal Communications Commission

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

In the Matter of)	
)	
Star City Broadcasting, LLC)	File No.: EB-FIELDNER-19-00029134
Licensee of Station WAZY-FM)	
)	
Facility ID: 68970)	
)	
Lafayette, Indiana)	

NOTICE OF VIOLATION

Released: September 17, 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 Star City Broadcasting, LLC, licensee of Station WAZY-FM in Lafayette, Indiana. 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 22, 2019, an Agent of the Enforcement Bureau’s Chicago Office inspected Station WAZY-FM in Lafayette, Indiana and observed the following violations:

- a. 47 C.F.R. § 73.1560(b): “FM stations. Except as provided in paragraph (d) of this section, the transmitter output power of an FM station, with power output as determined by the procedures specified in specified in § 73.267, which is authorized for output power more than 10 watts must be maintained as near as practicable to the authorized transmitter output power and may not be less than 90% nor more than 105% of the authorized power.” At the time of the inspection, WAZY-FM was operating at 88.2% of its authorized transmitter power.

- b. 47 C.F.R § 73.1400(a)(ii): “The licensee of an AM, FM, TV or Class A TV station is responsible for assuring that at all times the station operates within tolerances specified by applicable technical rules contained in this part and in accordance with the terms of the station authorization. Any method of complying with applicable tolerances is permissible. [...] Remote control of the transmission system by a person at a studio or other location... must provide sufficient transmission system monitoring and control capability so as to ensure compliance

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

Federal Communications Commission

with § 73.1350.” At the time of the inspection, the Burk Technologies remote control equipment was not functional.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,³ section 403 of the Communications Act of 1934, as amended,⁴ and section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Star City Broadcasting, LLC must submit a written statement concerning these matters 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 Star City Broadcasting, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Star City Broadcasting, LLC with personal knowledge of the representations provided in Star City Broadcasting, LLC’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 company’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 to the following address:

Federal Communications Commission
Office of Regional Director
Columbia Regional Office
9050 Junction Drive
Annapolis, Maryland 20701

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 C.F.R. § 1.16.

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

Federal Communications Commission

6. This Notice shall be sent to Star City Broadcasting, LLC, 1151 Crestview Circle, Meridian, MS 39301 and its counsel of record, Dawn M. Sciarrino, Esq., Sciarrino & Shubert, PLLC, 4601 North Fairfax Drive, Suite 1200, Arlington, Virginia 22203. 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

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau
Federal Communications Commission

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).