

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Minority Communications Inc.	)	
	)	
Licensee of Station KJMC	)	File No. EB-FIELDNER-19-00029625
Facility ID: 43060	)	
	)	
Des Moines, Iowa	)	

**NOTICE OF VIOLATION**

**Released: September 26, 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),<sup>1</sup> to Minority Communications Inc., licensee of FM station KJMC in Des Moines, Iowa. 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.<sup>2</sup>

2. On August 15, 2019, an Agent of the Enforcement Bureau’s Chicago Office inspected FM Station KJMC and found the following violations:

- a. 47 CFR § 11.52(d)(1): “With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities.” According to the Iowa Statewide Emergency Alert System Plan (revised August 2016), the Local Primary 1 (LP-1) sources in the Des Moines Metro Operational Area are WHO-AM (1040 kHz) and KDRB-FM (100.3 MHz). The Local Primary 2 (LP-2) source is WOI-FM (90.1 MHz). During the inspection conducted on August 15, 2019, the Agent noted that the Emergency Alert System equipment for Station KJMC was configured to only monitor WHO-AM.

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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- b. 47 CFR § 11.52(d)(2): “Emergency Alert System (EAS) participants must comply with the following monitoring requirement: ...With respect to monitoring EAS messages formatted in accordance with the specifications set forth in § 11.56(a)(2), EAS Participants’ EAS equipment must interface with the Federal Emergency Management Agency’s Integrated Public Alert and Warning System (IPAWS) to enable... the distribution of Common Alert Protocol (CAP)-formatted alert messages from the IPAWS system to EAS Participants’ EAS equipment.” At the time of the inspection the EAS unit installed at the station had not been updated to comply with the requirements for the Common Alert Protocol.
  
- c. 47 C.F.R. § 11.35(a): “EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, Attention Signal generating and receiving equipment, and Intermediate Devices used as part of the EAS to decode and/or encode messages formatted in the EAS Protocol and/or the Common Alerting Protocol are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams....” At the time of inspection, there were no entries for the period between May 28, 2019 and August 15, 2019. There were no entries in the station’s logs indicating why KJMC did not receive any tests or activations between those dates.
  
- d. 47 C.F.R. § 74.532(e): “Each aural broadcast auxiliary station will be licensed at a specified transmitter location to communicate with a specified receiving location, and the direction of the main radiation lobe of the transmitting antenna will be a term of the station authorization.” At the time of inspection, Minority Communications Inc. did not have authorization from the Commission to operate the Aural Studio Transmitter Link (STL) for Station KJMC on the frequency 949.00 MHz between the KJMC studio at 1169 25th Street, Des Moines, Iowa and the transmitter site at 1563 NE 53rd Avenue, Des Moines, Iowa.
  
- e. 47 C.F.R. § 73.1350(b)(2): “The transmitter control personnel must have the capability to turn the transmitter off at all times. If the personnel are at a remote location, the control system must provide this capability continuously or must include an alternate method of acquiring control that can satisfy the requirement of paragraph (e) of this section that operation be terminated within three minutes.” At the time of inspection there was no method to remotely control the transmitter. The transmitter could only be turned off or controlled manually from inside the transmitter building at 1563 NE 53rd Avenue, Des Moines, Iowa.

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- f. 47 C.F.R. § 73.1350(a): “Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization.” According to KJMC’s license, the authorized transmitter power output (TPO) is 4,000 watts. During the inspection, the Agent found that the KJMC transmitter had a maximum output power of 1,300 watts and was operating with an output power of 700 watts, which is 3,300 watts less than the authorized TPO. According to Commission records, there was no pending STA request for KJMC nor pending modification application at the time of inspection.<sup>3</sup>

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,<sup>4</sup> and section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Minority Communications 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 timeline 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 Minority Communications 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 Minority Communications Inc., with personal knowledge of the representations provided in Minority Communications Inc., 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

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<sup>3</sup> On August 22, 2019, Minority Communications Inc. filed a Special Temporary Authority (STA) request with the Commission (File No BSTA-20190822AA) to operate at reduced power. The Commission granted the STA on August 26, 2019 and the STA expires on February 22, 2020.

<sup>4</sup> 47 U.S.C. § 308(b).

<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.

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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  
Enforcement Bureau  
Columbia Regional Office  
9050 Junction Drive  
Annapolis, Maryland 20701

6. This Notice shall be sent to Minority Communications Inc., Attn: Mr. Larry Nevilles, 1169 25th Street, Des Moines, Iowa 50311.

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

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

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

<sup>8</sup> 5 U.S.C. § 552a(e)(3).