

Federal Communications Commission

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

In the Matter of)	
)	
AMFM Broadcasting Licenses, LLC)	File No.: EB-FIELDWR-19-00028743
Licensee of Station KIOI-FM2)	Facility ID: 90740
)	
Pleasanton, California)	
)	

NOTICE OF VIOLATION

Released: October 8, 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 AMFM Broadcasting Licenses, LLC, (AMFM) licensee of radio station KIOI-FM2 in Pleasanton, California. 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 March 26 and April 9, 2019, an Agent of the Enforcement Bureau’s San Francisco Office monitored radio station KIOI-FM2, and observed the following violation(s):

- a. 47 CFR § 73.317(d): “Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least $43 + 10 \text{Log}_{10}$ (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation.” As observed on April 9, 2019, the Agent determined that emissions from KIOI-FM2, centered about 111.525 MHz, was attenuated by approximately 42 dB below the carrier. At the station inspection on April 10, 2019, the Agent concurred with your station engineer that the emission directly from the transmitter was showing a similar attenuation of 40 dB below the carrier. Based on your transmitter output power of 200 watts, these emissions should be attenuated by at least 66 dB below the carrier.³

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

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ Section 74.1236(a)(2) of the Rules applies the attenuation standards contained in section 73.317 in situations in which an FM translator or booster station is operating with a transmitter output power greater than 10 Watts. 47 CFR §§ 73.317(d), 74.1236(a)(2).

⁴ 47 U.S.C. § 308(b).

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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 AMFM to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of AMFM with personal knowledge of the representations provided in AMFM'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 to the following address:

Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
Field@FCC.gov

6. This Notice shall be sent to AMFM Broadcasting Licenses, LLC at its address of record.

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

Lark Hadley
Regional Director, Region Three
Enforcement Bureau

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.

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).