

Federal Communications Commission

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

In the Matter of)	
)	
Townsquare Media Pittsfield License, LLC)	File No.: EB-FIELDNER-19-00030250
Licensee of Station WUPE)	Facility ID: 71436
)	
Pittsfield, Massachusetts)	FRN: 0026669986
)	
)	
)	

NOTICE OF VIOLATION

Released: January 30, 2020

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 rules¹ to Towne Square Media Pittsfield License, LLC (Towne Square), licensee of AM Station WUPE in Pittsfield, Massachusetts. Pursuant to section 1.89(a) of the Commission’s 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 noted herein.²

2. On November 27, 28, 29, 30 and December 1, 2019, the FCC monitored WUPE on 1110 kHz and observed the following violation:

47 CFR § 73.1720: “Daytime. Operation is permitted during the hours between average monthly local sunrise and average monthly local sunset.”
On November 29, 30, and December 1, 2019, AM Station WUPE continued to operate well past the average monthly local sunset time of 4:30 pm EST for November and 4:15 pm EST for December. The license BL-19850805AA only authorizes daytime operation for AM Station WUPE.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any remedial actions taken.³ Therefore, Towne Square 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

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 U.S.C. § [[308(b) OR 403]]; 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

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4. In accordance with section 1.16 of the Commission's rules, we direct Towne Square to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Towne Square with personal knowledge of the representations provided in Towne Square's response, verifying the truth and accuracy of the information therein, 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.⁵ 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 Number, specified above, and mailed to the following address:

Federal Communications Commission
EB Columbia Regional Office
9050 Junction Drive
Annapolis Junction, MD 20701

6. This Notice shall be sent to Townsquare Media Pittsfield License, LLC at its address of record and to its counsel, Howard M. Liberman, at Wilkinson Barker, 1800 M Street NW, Suite 800N, Washington, DC 20036.

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

⁵ Section 1.16 of the Commission's 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 5 U.S.C. § 552a(e)(3).