

Federal Communications Commission

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

In the Matter of)
)
River Delta Unified School District) File No.: EB-FIELDWR-18-00027895
Licensee of Station KRVH)
)
Facility ID: 56557)
)
Rio Vista, California)
)

NOTICE OF VIOLATION

Released: March 2, 2020

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 River Delta Unified School District (RDUSD) licensee of radio station KRVH in Rio Vista, 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 November 30, 2018, Agents of the Enforcement Bureau’s San Francisco Office monitored radio station KRVH, and observed the following violation(s):

- a. 47 CFR § 11.52(d)(1): EAS Code and Attention Signal Monitoring Requirements. “With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Map Book. They are developed in accordance with FCC monitoring priorities.” KHRV is located in Solano County, California. According to the State of California Emergency Alert System Plan, Version 2.0, dated October 11, 2017, the two sources of monitoring assignments for Solano County would be under the San Francisco Bay Counties Plan, KCBS 740 kHz and KFRC 106.9 MHz. At the time of inspection, the Agent noted that KRVH was not monitoring either of those sources. Rather, KRVH was monitoring KFBK 1530 kHz, and the National Weather Service on 162.55 MHz.
- b. 47 CFR § 73.1201(b)(1): Station Identification. “Content. Official station identification shall consist of the station’s call letters immediately followed by the community or communities specified in its license as the station’s location; [p]rovided, [t]hat the name of the licensee, the station’s frequency, the station’s channel number, as stated on the station’s license, and/or the station’s network affiliation may be inserted between the call letters and station location.” At the time

¹ 47 CFR §§ 1.1, *et seq.*; § 1.89.

² 47 CFR § 1.89(a).

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of the inspection the Agent noted that the station identification did not specifically state the community of license.

- c. 47 CFR § 73.1870(a) and (b)(3): Chief Operators. “The licensee of each AM, FM, TV or Class A TV broadcast station must designate a person to serve as the station’s chief operator. At times when the chief operator is unavailable or unable to act (e.g., vacations, sickness), the licensee shall designate another person as the acting chief operator on a temporary basis.... The designation of the chief operator must be in writing. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files.” At the time of inspection KRVH had not designated a Chief Operator and there was no letter posted with the station files designating the chief operator.
- d. 47 CFR § 73.1690(c)(1): Modification of Transmission Systems. “The following FM, TV and Class A TV station modifications may be made without prior authorization from the Commission. A modification of license application must be submitted to the Commission within 10 days of commencing program test operations pursuant to § 73.1620.... Replacement of an omnidirectional antenna with one of the same or different number of antenna bays, provided that the height of the antenna radiation center is not more than 2 meters above or 4 meters below the authorized values....” KRVH’s station license specifies the antenna type as an omnidirectional (Non-Directional) Jampro JLCP-2. The installed antenna does not meet the same description as specified by Jampro literature for the JLCP-2 antenna. Therefore, RDUSD was required to notify the Commission of this antenna change within 10 days of commencing program test operations.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,³ and section 1.89 of the Rules,⁴ we seek additional information concerning the violation and any remedial actions taken. Therefore, RDUSD 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.⁵

4. In accordance with section 1.16 of the Rules, we direct RDUSD to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of RDUSD with personal knowledge of the representations provided in RDUSD’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 RDUSD’s possession, custody, control, or knowledge has been

³ 47 U.S.C. § 308(b).

⁴ 47 CFR § 1.89.

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.

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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 River Delta Unified School District, 445 Montezuma Street, Rio Vista, CA 94571.

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

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).