

Federal Communications Commission

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

In the Matter of)
)
Cumulus Licensing LLC) File No.: EB-FIELDSCR-20-00030478
Licensee of Station KBED)
)
Nederland, Texas)
)

NOTICE OF VIOLATION

Released: April 9, 2020

By the Acting Field Director, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Federal Communications Commission’s (Commission or FCC) rules¹ to Cumulus Licensing LLC, licensee of radio station KBED in Nederland, Texas. Pursuant to section 1.89(a) of the Commission’s rules, issuance of this Notice does not preclude the Enforcement Bureau from taking further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On February 4, 2020, in response to a complaint, an Agent of the Enforcement Bureau’s Dallas Office monitored KBED and observed the following violation(s) of the Commission’s rules:

- a. 47 CFR § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.” On February 4, 2020, an Agent from the Dallas Office made field strength measurements of the station before and after local sunset. The Agent noticed the power was not off after sunset in accordance with the station authorization. On February 5, 2020, the Agent met with Mr. Greg Davis, the station engineer, and he confirmed the problem with the station not powering off at night was due to the failure of remote system.
- b. 47 CFR § 73.49: “Antenna towers having radio frequency potential at the base (series fed, folded unipole, and insulated base antennas) must be enclosed within effective locked fences or other enclosures.” On February 4, 2020, an Agent from the Dallas Office noticed the door at one of the antenna towers was down. On February 5, 2020, the Agent confirmed with Mr. Greg Davis who admitted the door was down due to the flooding in the area. On the same day, Mr. Davis repaired the door.

3. Pursuant to section 403 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, Cumulus Licensing LLC, must submit a written statement concerning

¹ 47 CFR § 1.89.

² *Id.* § 1.89(a).

³ 47 U.S.C. § 403; 47 CFR § 1.89.

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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

4. In accordance with section 1.16 of the Commission’s rules, we direct Cumulus License 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 Cumulus License LLC, with personal knowledge of the representations provided in Cumulus License LLC’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 company’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 and emailed to the following address:

Federal Communications Commission
Atlanta Regional Office
P.O. Box 1493
Powder Springs, GA 30127
field@fcc.gov

6. This Notice shall be sent to Cumulus Licensing LLC, at its address of record.

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

Ronald Ramage
Acting Field Director
Enforcement Bureau

⁴ 47 CFR § 1.89(c).

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)’.” *Id.* § 1.16.

⁶ 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

⁷ 5 U.S.C. § 552a(e)(3).