

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Costa-Eagle Radio Ventures Limited Partnership	)	File No.: EB-FIELDNER-20-00030946
Licensee of AM Station WUBG	)	Facility ID: 22798
	)	
Methuen, Massachusetts	)	FRN: 0003735719
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 24, 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 rules<sup>1</sup> to Costa-Eagle Radio Ventures Limited Partnership (Costa-Eagle), licensee of AM Station WUBG in Methuen, 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.<sup>2</sup>

2. Between April 24, 2020 and April 29, 2020 in response to a complaint, the FCC monitored AM Station WUBG on 1570 kHz observed the following violation of the Commission’s rules:

- a. 47 CFR § 73.1745: “Unauthorized operation. (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. (b) Any unauthorized departure from an operating schedule which is required to be filed with the FCC in Washington, DC, will be considered as a violation of a material term of the license.” The license BL-20170517ABW authorizes AM Station WUBG to operate with a daytime power of 44 kilowatts and a nighttime power of 0.140 kilowatts. Between April 24, 2020 and April 29, 2020, the Commission observed that AM Station WUBG did not reduce power to its nighttime authorized level after the average local sunset time of 6:30 p.m. EST for April. The station continued to operate at its daytime power level throughout the night.

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.<sup>3</sup> Therefore, Costa-Eagle 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,

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

<sup>3</sup> 47 U.S.C. § 308(b); 47 CFR § 1.89.

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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.<sup>4</sup>

4. In accordance with section 1.16 of the Commission's rules, we direct Costa-Eagle to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Costa-Eagle with personal knowledge of the representations provided in Costa-Eagle'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.<sup>5</sup> 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.<sup>6</sup>

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  
EB Columbia Regional Office  
9050 Junction Drive  
Annapolis Junction, MD 20701  
Field@fcc.gov

6. This Notice shall be sent to Costa-Eagle Radio Ventures Limited Partnership, 462 Merrimack Street, Methuen, MA 01344 and its counsel, Wiley Rein LLP, 1776 K Street, NW, Washington, DC 20006.

7. The Privacy Act of 1974<sup>7</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.

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<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> 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.

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

<sup>7</sup> 5 U.S.C. § 552a(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
Regional Director, Region One  
Enforcement Bureau