

Federal Communications Commission

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

In the Matter of)	
)	
ETERNAL LIFE RADIO)	File No.: EB-FIELDWR-19-00030295
Licensee of Station KELR-LP)	Facility ID: 194202
Stockton, California)	
)	

NOTICE OF VIOLATION

Released: June 11, 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 rules¹ to Eternal Life Radio (Eternal), licensee of radio station KELR-LP, 104.7 MHz in Stockton, California. 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 violations noted herein.²

2. On February 14, 2020, an Agent of the Enforcement Bureau’s San Francisco Office monitored and inspected radio station KELR-LP at its transmitter location in Stockton, California, and observed the following violations:

- a. 47 CFR § 73.840: “The transmitter power output (TPO) of an LPFM station must be determined by the procedures set forth in § 73.267 of this part. The operating TPO of an LPFM station with an authorized TPO of more than ten watts must be maintained as near as practicable to its authorized TPO and may not be less than 90% of the minimum TPO nor greater than 105% of the maximum authorized TPO...” At the time of the inspection, KELR-LP was operating at 79% of its authorized transmitter power.
- b. 47 CFR § 11.52(d)(1): “With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities.” According to the California State Emergency Alert System Plan, Version 2, Dated October 11, 2017, the sources of monitoring assignments in the Sacramento-Sierra/South Zone Operational Area are: For LP1, a station can monitor one of the three stations , KFBK-AM (1530 kHz), KSTE-AM (650 kHz), or KGBY-FM (92.5 MHz). For LP2, a station can monitor one of two stations: KSTN-AM (1420 kHz) or KOSO-FM (93.1 MHz). KELR-LP is located in the Sacramento-Sierra/South Zone Operational Area. At the time of inspection, KELR-LP was monitoring KYCC-FM (90.1 MHz) and KJOY-FM (99.3 MHz).

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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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, Eternal 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

4. In accordance with section 1.16 of the Commission's rules, we direct Eternal to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Eternal with personal knowledge of the representations provided in Eternal'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 and emailed to the following address:

Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, California 90703
field@fcc.gov

6. This Notice shall be sent to Eternal 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

³ 47 U.S.C. § 308(b); 47 CFR § 1.89.

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)'." 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).

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what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director, Region Three
Enforcement Bureau