

Federal Communications Commission

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

In the Matter of)	
)	
Claro Communications, LTD.)	File No.: EB-FIELDSCR-19-00030384
Licensee of Station KKLK)	
)	
Richardson, Texas)	
)	

NOTICE OF VIOLATION

Released: February 3, 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 Claro Communications, LTD., licensee of radio station KKLK in Richardson, 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 December 16, 2019, in response to a complaint, an Agent of the Enforcement Bureau’s Dallas Office monitored KKLK 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 December 16 and 18, 2019, an Agent from the Dallas Office made field strength measurements of the station before and after local sunset. On December 16, the signal level did not change which indicated that the power was not reduced in accordance with the station authorization. On December 18, 2019, the signal level increased at sunset which indicated that the power was not reduced in accordance with the station authorization.

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, Claro Communications, LTD., 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

¹ 47 CFR § 1.89.

² *Id.* § 1.89(a).

³ 47 U.S.C. § 403; 47 CFR § 1.89.

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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 Claro Communications, LTD., to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Claro Communications, LTD., with personal knowledge of the representations provided in Claro Communications, LTD.'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 to the following address:

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

6. This Notice shall be sent to Claro Communications, LTD., 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 deClarotion, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn deClarotion, certification, verification, or statement in writing of such person Such deClarotion shall be subscribed by the deClaront 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).