

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Dios Abla Hoy	)	File No. EB-FIELDSCR-19-00029686
Licensee of Station KOAU-LP	)	
	)	
Facility ID: 194806	)	
	)	
Round Rock, Texas	)	

**NOTICE OF VIOLATION**

**Released: February 7, 2020**

By the Acting Field Director, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules (Rules),<sup>1</sup> to Dios Abla Hoy, licensee of Low Power FM (LPFM) station KOAU-LP in Round Rock, Texas. Pursuant to section 1.89(a) of the Rules, issuance of this NOV 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.<sup>2</sup>

2. On September 24, 2019, in response to a complaint, Agents of the Enforcement Bureau’s Dallas Office investigated and found the following violations:

- a. 47 CFR § 73.1660(a)(2) : “An LPFM transmitter shall be certified for compliance with the requirements of this part following the procedures described in part 2 of this chapter.” At the time of the inspection, the Agents observed that KOAU-LP was using an Elanos transmitter. The Agents could not find the FCC ID on the transmitter. The Agent had asked the station engineer for the FCC ID. The station engineer provided additional information about the transmitter, but did not demonstrate that the transmitter was certified.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Dios Abla Hoy 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

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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).

## Federal Communications Commission

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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 Rules, we direct Dios Abla Hoy to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Dios Abla Hoy with personal knowledge of the representations provided in Dios Abla Hoy's response, verifying the truth and accuracy of the information therein,<sup>5</sup> 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. 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 No. specified above, and mailed to the following address:

Federal Communications Commission  
Office of the Director – Region Two  
P.O. Box 1493  
Powder Springs, GA 30127

6. This Notice shall be sent to Dios Abla Hoy at its address of record.

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<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> 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.

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

**Federal Communications Commission**

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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.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage  
Acting Field Director  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).