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**Federal Communications Commission**

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

In the Matter of	)	
	)	
FC New Orleans, Inc.	)	File No.: EB-FIELDSCR-19-00030256
	)	
Licensee of Station K250BA	)	Facility ID: 147981
	)	
New Orleans, LA	)	FRN: 0028130201
	)	
	)	

**NOTICE OF VIOLATION**

**Released: February 10, 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<sup>1</sup> to FC New Orleans, Inc., licensee of radio station K250BA in Kenner, Louisiana. 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(s) noted herein.<sup>2</sup>

2. On January 17, 2020, using an HD receiver, an agent of the Enforcement Bureau's New Orleans Office monitored radio station K250BA located on the rooftop of the building located at 201 St. Charles Ave., New Orleans, LA, and observed the following violation:

- a. 47 CFR § 74.1263(b): "An FM booster or FM translator station rebroadcasting the signal of an AM or FM primary station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted. Notwithstanding the foregoing, FM translators rebroadcasting Class D AM stations may continue to operate during nighttime hours only if the AM station has operated within the last 24 hours." On January 17, 2020, the Agent found K250BA, an FM translator station, continuously radiating when the signals of primary station KVDU-FM were not being retransmitted.

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, FC New Orleans, Inc., 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

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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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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 FC New Orleans, Inc., to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of FC New Orleans, Inc. with personal knowledge of the representations provided in FC New Orleans, Inc.'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 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 FC New Orleans, Inc. at its address of record and to FC New Orleans, Inc.'s counsel, Dan Alpert at 2120 N. 21<sup>st</sup> Rd., Arlington, VA 22201.

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>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).