

Federal Communications Commission

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

In the Matter of
Cornerstone Broadcasting Corporation
Licensee of Station W247AK
Deland, Florida
File No.: EB-FIELDSCR-21-00031779
Facility ID: 85649

NOTICE OF VIOLATION

Released: March 2, 2021

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission's rules to Cornerstone Broadcasting Corporation, licensee of radio station W247AK in Deland, Florida. 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.

2. On January 21, 2021, agents of the Enforcement Bureau's Miami Office investigated radio station W247AK located Deland, Florida, and observed the following violation(s):

- a. 47 C.F.R. § 74.1236(a)(2) "For transmitter output powers greater than 10 watts, 73.317 (a), (b), (c), and (d) apply. 47 C.F.R. § 73.317(d): "Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least 43 + 10 Log10 (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation." W247AK is licensed to operate on 97.3 MHz at a maximum Effective Radiated Power (ERP) of 100 Watts. Thus, spurious emissions appearing on a frequency removed from the carrier (97.3 MHz) more than 600 kHz must be attenuated by at least 63 dB. The fundamental frequency, 97.3 MHz, had a field strength level of -43.22 dBm. The Enforcement Bureau's Agents measured spurious emissions emanating from the W247AK transmitter on 133.0626 MHz, which is removed by more than 600 kHz from the carrier. Spurious emissions on 133.0626 MHz had a field strength level of -66.53 dBm. The spurious emissions were attenuated less than 63 db from the fundamental frequency. Thus, the spurious emission's field strength levels are in excess of the limit for such emissions determined pursuant to Section 73.317(d) of the Commission's rules.

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. Therefore, Cornerstone Broadcasting Corporation must submit a written

1 47 CFR § 1.89.
2 47 CFR § 1.89(a).
3 47 U.S.C. § 308(b); 47 CFR § 1.89.

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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.<sup>4</sup>

4. In accordance with section 1.16 of the Commission's rules, we direct Cornerstone Broadcasting Corporation to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Cornerstone Broadcasting Corporation with personal knowledge of the representations provided in Cornerstone Broadcasting Corporation'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  
Atlanta Regional Office  
P.O. Box 1493  
Powder Springs, GA 30127  
Field@fcc.gov

6. This Notice shall be sent to Cornerstone Broadcasting Corporation at its address of record.

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  
Regional Director, Region Two  
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).