

Federal Communications Commission

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

In the Matter of)	
)	
Catholic Radio Network, Inc.)	File No.: EB-FIELDWR-20-00031567
Licensee of Station K272FP)	Facility ID: 148039
)	FRN: 0011027638
Black Forest, Colorado)	
)	
)	
)	

NOTICE OF VIOLATION

Released: November 3, 2021

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 Catholic Radio Network, Inc. (Catholic Radio Network), licensee of FM radio translator station K272FP, licensed to the community of Black Forest, Colorado. 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 October 29 and November 12, 2020; and January 21, 2021, an agent of the Enforcement Bureau’s Denver Office monitored radio station K272FP, located at 38°53’47.35”N 104°47’50.57”W, and observed the following violations:

- a. 47 CFR § 1.903(a): “*General Rule.* Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” K272FP was observed operating on channel 282 (104.3 MHz) despite being licensed³ for channel 272 (102.3 MHz).
- b. 47 CFR § 74.14(a): “Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, technical requirements of this chapter, and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee or any class of station listed in this part may, without further authority of the Commission, conduct service or program tests.” Although Catholic Radio Network held a construction permit authorizing it to modify K272FP to operate on channel 282 (104.3 MHz) (Construction Permit)⁴ at the time of each observation set forth above, it has yet to file an FM Translator License Application

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ See CDBS File No. BLFT-20190212AAF.

⁴ See CDBS File No. BPFT-20190813AAL.

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on FCC Form 2100, Schedule 350. Until it does so, Catholic Radio Network lacks the authority to operate with the parameters set forth in the Construction Permit, and any such operation violates section 74.14(a) of the Commission's rules.⁵

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.⁶ Therefore, Catholic Radio Network 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.⁷

4. In accordance with section 1.16 of the Commission's rules, we direct Catholic Radio Network to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Catholic Radio Network with personal knowledge of the representations provided in Catholic Radio Network'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 Catholic Radio Network's possession, custody, control, or knowledge has been produced.⁸ 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.⁹

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
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703

6. This Notice shall be sent to Catholic Radio Network Inc. at its address of record at 1400 NE 42nd Terrace, Kansas City, Missouri 64116 and to Catholic Radio Network's counsel of record, Dennis J. Kelly, Law Office of Dennis J. Kelly, P.O. Box 41177, Washington, DC 20018-0537.

⁵ Operation of the facilities authorized in the Construction Permit prior to filing a license application also violates Special Operating Condition 3 of the Construction Permit. Construction Permit at 3.

⁶ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁷ 47 CFR § 1.89(c).

⁸ 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.

⁹ 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

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7. The Privacy Act of 1974¹⁰ 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.

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Lark Hadley
Regional Director, Region Three
Enforcement Bureau

¹⁰ 5 U.S.C. § 552a(e)(3).