

Federal Communications Commission

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

In the Matter of)	
)	
Dream Ahead the Empowerment Initiative)	File No.: EB-FIELDWR-19-00030327
Licensee of Station KLDI-LP)	Facility ID: 195591
Lodi, California)	
)	

NOTICE OF VIOLATION

Released: January 12, 2022

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 Dream Ahead the Empowerment Initiative (DREAM), licensee of radio station KLDI-LP, 95.5 MHz, Lodi, California. 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 August 26, 2021, an Agent of the Enforcement Bureau's San Francisco Office sent an email to Clay Leander, a broadcast consultant for radio station KLDI-LP in Lodi, California, requesting a copy of the EAS logs for KLDI-LP. On September 13, 2021, Patricia Barrett, interim manager for KLDI-LP, responded to the agent's email with copies of EAS logs and the agent observed the following violations:

- a. 47 CFR § 11.52(d)(1): "With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Map Book. They are developed in accordance with FCC monitoring priorities." KLDI-LP is located in Lodi, San Joaquin County, California. According to the California State Emergency Alert System Plan, Version 2, Dated October 11, 2017, supplemented by the Sacramento - Sierra Local Area Plan (Plan), Section 1.4, "Broadcast stations and CATV control points shall monitor two of the following: a. KFBK 1530 kHz LP1 Sacramento-Sierra b. The LP2 Station serving their zone; see 1.31 – 1.34 above." Section 1.34 of the Plan identifies KSTN/KOSO as the assigned stations for Calaveras and San Joaquin Counties. Based on the Plan, KLDI-LP is required to monitor KFBK under Section 1.4a of the Plan and KSTN /KOSO under subsection 1.4b of the Plan. According to the EAS logs provided by Ms. Barrett dated September 13, 2021, KLDI-LP was monitoring only one station, KCBS-AM, 740 kHz.³ KLDI-LP was not monitoring two required EAS sources and was not monitoring the correct

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ The Plan also states, "In addition, but not in lieu of, the following are recommended: Any others listed above, such as NWR, CLERS, EDIS, KCBS 740 KHz." According to the express terms of the Plan, KLDI-LP may monitor KCBS, but that is not a permissible substitute for the requirements to monitor KFBK and KSTN/KOSO (FM).

Federal Communications Commission

EAS sources.

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.⁴ Therefore, DREAM 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 timeline 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.⁵

4. In accordance with section 1.16 of the Commission's rules, we direct DREAM to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of DREAM with personal knowledge of the representations provided in DREAM'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.⁶ 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.⁷

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
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, California 90703
field@fcc.gov

6. This Notice shall be sent to Dream Ahead the Empowerment Initiative at its address of record.

7. The Privacy Act of 1974⁸ 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

⁴ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁵ 47 CFR § 1.89(c).

⁶ 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.

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

⁸ 5 U.S.C. § 552a(e)(3).

Federal Communications Commission

what, if any, enforcement action is required to ensure compliance.

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Lark Hadley
Regional Director, Region Three
Enforcement Bureau