

**Federal Communications Commission**

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

In the Matter of	)	
	)	
KBNP Radio, Inc.	)	File No.: EB-FIELDWR-22-00033154
Licensee of Station KBNP	)	Facility ID: 33670
Portland, Oregon	)	
	)	

**NOTICE OF VIOLATION**

**Released: February 16, 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 rules<sup>1</sup> to KBNP Radio Inc., licensee of radio station KBNP, 1410 kHz, Portland, Oregon. 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.<sup>2</sup>

2. According to the terms of KBNP’s license, in the month of January, KBNP is authorized to operate on 1410 kHz with 5,000 watts from 7:45 a.m. (PST) until the local sunset at 5:00 p.m. (PST). KBNP is also authorized to operate on 1410 kHz with 9 watts after the local sunset until the local sunrise at 7:45 a.m. PST.<sup>3</sup> On January 12, 2022, in response to a complaint, an Agent of the Enforcement Bureau’s Portland Office monitored and measured KBNP’s signal strength levels from 4:00 p.m. (PST) until 6:00 p.m. (PST) in Portland, Oregon, and observed the following violation:

- a. 47 CFR § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.” On January 12, 2022, throughout the time of monitoring, the signal strength levels remained consistent at 5,000-watts from 4:00 p.m. (PST) until 6:00 p.m. (PST). The Agent observed that there was no change in the signal strength level after the local sunset (5:00 p.m. PST) as required by the authorization.

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>4</sup> Therefore, KBNP Radio, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain the violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct the violation and preclude recurrence, and (iii) must include a timeline for

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

<sup>3</sup> File No. BL-19900607AB.

<sup>4</sup> 47 U.S.C. § 308(b); 47 CFR § 1.89.

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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>5</sup>

4. In accordance with section 1.16 of the Commission's rules, we direct KBNP Radio, 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 KBNP Radio, Inc. with personal knowledge of the representations provided in KBNP Radio 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>6</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>7</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  
Los Angeles Regional Office  
11331 183rd Street, PMB #365  
Cerritos, California 90703  
field@fcc.gov

6. This Notice shall be sent to KBNP Radio, Inc. at its address of record.

7. The Privacy Act of 1974<sup>8</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



Lark Hadley  
Regional Director, Region Three  
Enforcement Bureau

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<sup>5</sup> 47 CFR § 1.89(c).

<sup>6</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>7</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

<sup>8</sup> 5 U.S.C. § 552a(e)(3).