

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

In the Matter of	)	
	)	
Ruby J. Lopez	)	File No.: EB-FIELDNER-22-00034561
Licensee of Radio Station W230CO	)	Facility ID: 146617
	)	FRN: 0027295583
Seaford, Delaware	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 29, 2023**

By the Regional Director, Region One, 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 Ruby J. Lopez, licensee of FM translator station W230CO in Seaford, Delaware. 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 noted herein.<sup>2</sup>

2. On December 08, 2022, Agents of the Enforcement Bureau's Columbia Office inspected FM Translator station W230CO located at 26715 Sussex Highway, Seaford, Delaware 19973 and observed the following violation:

- a. 47 CFR § 74.1235(e): "In no event shall a station authorized under this subpart be operated with a transmitter power output (TPO) in excess of the transmitter certificated rating. A station authorized under this subpart for a TPO that is less than its transmitter certificated rating shall determine its TPO in accordance with § 73.267 of this chapter and its TPO shall not be more than 105 percent of the authorized TPO." Translator Station W230CO is authorized to operate with a Transmitter Power Output of 128 Watts. On December 8, 2022, the Agents conducted field strength measurements of station W230CO prior to the inspection at 12:21 p.m. and during the inspection at 1:42 p.m. The Agents determined that Station W230CO was operating at 12:21 p.m. with at TPO of 1498 Watts or 1170% of that authorized. Furthermore, when the Agents requested permission to inspect the station, the station's TPO was reduced to 148 Watts or 115% of the authorized TPO.

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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 violation and any remedial actions taken.<sup>3</sup> Therefore, Ruby J. Lopez 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.<sup>4</sup>

4. In accordance with section 1.16 of the Commission's rules, we direct Ruby J. Lopez to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Ruby J. Lopez with personal knowledge of the representations provided in Ruby J. Lopez'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 Ruby J. Lopez'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 No. specified above, and e-mailed and mailed to the following address:

Federal Communications Commission  
EB Columbia Regional Office  
9050 Junction Drive  
Annapolis Junction, Maryland 20701  
field@fcc.gov

6. This Notice shall be sent to Ruby J. Lopez at her address of record and to Vincent Klepac, contact representative for station W230CO, Seaford Media, LLC, 26715 Sussex Highway, Seaford, Delaware 19973.

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<sup>3</sup> 47 U.S.C. § 308(b); 47 CFR § 1.89.

<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.

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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

David C. Dombrowski  
Regional Director, Region One  
Enforcement Bureau

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<sup>7</sup> 5 U.S.C. § 552a(e)(3).