

Federal Communications Commission

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

In the Matter of)	
)	
Lake Livingston Broadcasting, Inc.)	File No.: EB-FIELDSCR-23-00035341
Licensee of Station K288FY)	
)	Facility ID: 153411
Livingston, Texas)	
)	FRN: 0007516636

NOTICE OF VIOLATION

Released: November 14, 2023

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 rules¹ to Lake Livingston Broadcasting, Inc. (Lake), licensee of radio station K288FY in Livingston, Texas. 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.²

2. On May 15, 2023, based on a complaint, agents of the Enforcement Bureau’s Dallas Office inspected FM radio translator station K288FY and observed the following violations:

- a. 47 CFR § 74.1251(b)(2): “Formal application on FCC Form 349 is required of all permittees and licensees for any of the following changes: (2) A change in the transmitting antenna system, including the direction of radiation or directive antenna pattern.” The Station is authorized to operate with a Single Bay OMB MP1 antenna.³ At the time of inspection, agents observed the Station operating with a Four Bay OMB MP1 antenna. The Station did not file an FCC Form 349 to make changes to their transmitting antenna system. Therefore, the Station violated section 74.1251(b)(2) of the Commission’s rules.
- b. 47 CFR § 74.1251(b)(3): “Formal application on FCC Form 349 is required of all permittees and licensees for any of the following changes: (3) Any change in the overall height of the antenna structure except where notice to the Federal Aviation Administration is specifically not required under § 17.7 of the FCC’s rules.” The Station is authorized an antenna height of 107 meters (351 feet) above ground level. At the time of inspection, agents observed the Station’s antenna array mounted approximately 35 feet above ground. The Station did not file an FCC Form 349 to make changes to their transmitting antenna system. Therefore, the Station violated section 74.1251(b)(3) of the Commission’s rules.⁴

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ See FCC File No. BLFT-20071015ACW (License).

⁴ Ibid.

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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.⁵ Therefore, Lake 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.⁶

4. In accordance with section 1.16 of the Commission's rules, we direct Lake to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Lake with personal knowledge of the representations provided in Lake Livingston Broadcasting, Inc (Lake)'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 Lake Livingston Broadcasting, Inc. (Lake)'s possession, custody, control, or knowledge has been produced.⁷ 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.⁸

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
Region Two Regional Office
P.O. Box 1493
Powder Springs, GA 30127
504-219-8999
FIELD@FCC.GOV

6. This Notice shall be sent to Lake Livingston Broadcasting, Inc. (Lake) at its address of record and to Lake Livingston Broadcasting, Inc (Lake)'s contact representative, Otis Dyson, 12021 Palmbeach St, Houston, Texas 77034.

7. The Privacy Act of 1974⁹ 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

⁵ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁶ 47 CFR § 1.89(c).

⁷ 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.

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

⁹ 5 U.S.C. § 552a(e)(3).

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

FEDERAL COMMUNICATIONS COMMISSION

Dedrick Roybiskie
Regional Director, Region Two
Enforcement Bureau