
Federal Communications Commission

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

In the Matter of)	
)	
Charles D. Kelly Urban Foundation)	File No.: EB-FIELDNER-25-00038673
Licensee of Station WVBH-LP)	Facility ID: 126875
)	
Benton Harbor, Michigan)	FRN: 0019732437
)	
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)	

NOTICE OF VIOLATION

Released: August 8, 2025

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 rules¹ to Charles D. Kelly Urban Foundation, licensee of radio station WVBH-LP (Station) in Benton Harbor, Michigan. 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 May 20, 2025, an agent of the Enforcement Bureau's Columbia Office inspected radio station WVBH-LP located at 1122 Salem Avenue, Benton Harbor, Michigan 49022, and observed the following violations:

- a. 47 CFR § 73.1350(a): "Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization." According to the Station's license (BLL-20060118ADK), the Station's antenna is authorized to operate from only the following coordinates: 42-06-33 N, 86-26-30 W. On May 20, 2025, the agent found the station's antenna operating from coordinates 42-05-52 N, 86-27-31 W, located approximately 1.2 miles from the location authorized by the station's FCC license.
- b. 47 CFR § 11.35: "EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, Attention Signal generating and receiving equipment, and Intermediate Devices used as part of the EAS to decode and/or encode messages formatted in the EAS Protocol and/or the Common Alerting Protocol are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation." At the time of the inspection, the Station's general manager stated that the EAS decoder located at the Station's main studio was not operational.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

- c. 47 CFR § 73.840 Operating power and mode tolerances.: “The transmitter power output (TPO) of an LPFM station must be determined by the procedures set forth in §73.267 of this part. The operating TPO of an LPFM station with an authorized TPO of more than ten watts must be maintained as near as practicable to its authorized TPO and may not be less than 90% of the minimum TPO nor greater than 105% of the maximum authorized TPO. An LPFM station with an authorized TPO of ten watts or less may operate with less than the authorized power, but not more than 105% of the authorized power.” The Station’s license authorizes a TPO of 151 watts. The agent conducted an inspection of the Station’s transmitter site and observed that the TPO was 334 watts, or 221% of the authorized power.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of its rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees.

4. 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.³ Therefore, Charles D. Kelly Urban Foundation 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.⁴

5. In accordance with section 1.16 of the Commission’s rules, we direct Charles D. Kelly Urban Foundation to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Charles D. Kelly Urban Foundation with personal knowledge of the representations provided in Charles D. Kelly Urban Foundation’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.⁵ 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.⁶

6. 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
Columbia Regional Office
9050 Junction Drive
Annapolis Junction, Maryland 20701

³ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

⁵ 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.

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

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7. This Notice shall be sent to Charles D. Kelly Urban Foundation at its address of record.

8. The Privacy Act of 1974⁷ 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

⁷ 5 U.S.C. § 552a(e)(3).