

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

In the Matter of)
)
New West Broadcasting Corp.) File No.: EB-FIELDWR-25-00038496
Licensee of Station KWXX-FM) Facility ID: 48679
) FRN: 0004327912
Hilo, Hawaii)

NOTICE OF VIOLATION

Released: February 3, 2026

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 New West Broadcasting Corp., licensee of radio station KWXX-FM (Station) in Hilo, Hawaii. 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(s) noted herein.²

2. On May 14, 2025, after receiving a complaint from the Federal Aviation Administration, an agent of the Enforcement Bureau's Honolulu Office inspected the Station in Hilo, Hawaii, and observed the following violation(s):

a. 47 CFR § 73.317(d) "Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated by at least $43 + 10 \log_{10}$ (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation." The Station's carrier frequency and authorized Effective Radiated Power (ERP) are 94.7 MHz and 51 kW, respectively. Based on the Station's authorized ERP of 51 kW, emissions greater than 600 kHz away from the carrier must be attenuated by at least 80 dB. At the time of inspection, the agent found that spurious emissions in the aviation frequency band of 108-137 MHz were more than 600 kHz removed from the carrier and were not attenuated at least 80 dB below the unmodulated carrier level.

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.³ Therefore, New West Broadcasting Corp. 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

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

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

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 Three Office
11331 183rd Street, PMB #365
Cerritos, CA 90703

6. This Notice shall be sent to New West Broadcasting Corp. at its address of record.

7. 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

Lark Hadley
Regional Director, Region Three
Enforcement Bureau

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.

⁷ 5 U.S.C. § 552a(e)(3).