

Federal Communications Commission

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

In the Matter of)	
)	
Murphy D. Boughner)	File No.: EB-11-DL-0104
)	NOV No.: V20123250009
Licensee of Radio Station KGCT-CD)	Facility ID No.: 47070
)	
Nowata, OK)	

NOTICE OF VIOLATION

Released: April 24, 2012

By the District Director, Dallas Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules¹ to Murphy D. Boughner, licensee of Station KGCT-CD in Nowata, Oklahoma.

2. On February 29 2012, an agent of the Commission's Dallas Office inspected the TV Station KGCT-CD located at Nowata, Oklahoma, and observed the following violation(s):
 - a. 47 C.F.R. § 11.52(d): "EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station, cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities." At the time of the inspection, Station KGCT-CD was found monitoring an incorrect source as its LP-2, KHTT, 106.9 MHz, instead of KWON, 1400-AM as required in the Oklahoma State EAS Plan.

 - b. 47 C.F.R. § 73.1800(a): "The licensee of each station must maintain a station log as required by § 73.1820. This log shall be kept by station employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this part, must accurately reflect the station operation. Any employee making a log entry shall sign the log, thereby attesting to the fact that the entry, or any correction or addition made thereto, is an accurate representation of what transpired." At the time of inspection, Mr. Murphy D. Boughner was unable to provide

¹47 C.F.R. § 1.89.

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the FCC agent with a station log for KGCT-CD and admitted that he did not maintain a station log.

- c. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license.” At the time of the inspection, there was no written designation of the chief operator.
 - d. 47 C.F.R. § 73.3526(e)(4): “ Contour maps - A copy of any service contour maps, submitted with any application tendered for filing with the FCC, together with any other information in the application showing service contours and/or main studio and transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.” At the time of the inspection, Station KGCT-CD did not have the contour map in its public inspection file.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission’s rules, Murphy D. Boughner must submit a written statement concerning this matter within twenty (20) calendar days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Dallas Office
9330 LBJ Freeway Suite # 1170
Dallas, Texas 75243

- 4. This Notice shall be sent to Murphy D. Boughner, at his address of record.
- 5. The Privacy Act of 1974³ 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. Any

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director
Dallas District Office
South Central Region
Enforcement Bureau

⁴18 U.S.C. § 1001 *et seq.*