

Federal Communications Commission

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

In the Matter of)	
)	
Quinn Broadcasting, Inc.)	File No. EB-11-PA-0143
Licensee of AM Station WMVB)	
Facility ID # 56183)	NOV No. V201232400039
Millville, New Jersey)	
)	

NOTICE OF VIOLATION

Released: May 25, 2012

By the Acting District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)¹ to Quinn Broadcasting, Inc (Quinn), licensee of AM Station WMVB in Millville, New Jersey. This Notice may be combined with a further action, if further action is warranted.²

2. On June 28, 2011, agents of the Commission’s Philadelphia Office inspected AM Station WMVB in Millville, New Jersey and observed the following violations:
 - a. 47 C.F.R. § 11.52(d): “EAS Participants ... must monitor two EAS sources. The monitoring assignments of each broadcast station ... are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities.” The Emergency Alert System Plan for New Jersey specifies that WMVB must monitor WENJ Millville 97.3 FM as well as a Primary Entry Point Station. At the time of inspection, the agents observed that WMVB was not monitoring a Primary Entry Point Station.

 - b. 47 C.F.R. § 11.35(a): “EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams” At the time of inspection, the agents observed that WMVB’s EAS system did not properly record EAS test information and appropriate entries were not made in the station logs indicating the reasons why the EAS tests were not received.³

¹47 C.F.R. § 1.89.

²47 C.F.R. § 1.89(a).

³ At the time of inspection, the EAS unit was not properly recording date/time information of the received

Federal Communications Commission

- c. 47 C.F.R. § 73.1870(c)(3): “The Chief Operator shall [r]eview...the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.” At the time of inspection, the station logs were not being signed and dated by the chief operator.

- d. 47 C.F.R. § 73.1590(a)(6): “The licensee of each AM, FM, TV and Class A TV station, except licensees of Class D non-commercial educational FM stations authorized to operate with 10 watts or less output power, must make equipment performance measurements for each main transmitter as follows: Annually, for AM stations, with not more than 14 months between measurements.” Station WMVB’s equipment performance measurements were not available at the time of inspection.

- e. 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 inspection, there was no written designation posted with the station license designating the chief operator.

- f. 47 C.F.R. § 73.1350(c) (2) “Monitoring equipment must be periodically calibrated so as to provide reliable indications of transmitter operating parameters with a known degree of accuracy. Errors inherent in monitoring equipment and the calibration procedure must be taken into account when adjusting operating parameters to ensure that the limits imposed by the technical rules and the station authorization are not exceeded.” At the time of inspection, WMVB’s antenna monitor was not functioning properly and was indicating that the antenna phase was out of tolerance. The WMVB chief operator admitted that the monitor was not functioning properly and was unable to determine the last time the meter was calibrated.

- g. 47 C.F.R. § 73.1560(a)(1): “[t]he antenna input power of an AM station as determined by the procedures specified in §73.51 must be maintained as near as is practicable to the authorized antenna input power and may not be less than 90% nor more than 105% of the authorized power.” Station WMVB’s authorization specifies a daytime power of 1081 watts. The agents determined that at the time of inspection, WMVB’s transmitter power was 1151 watts without modulation, which resulted in operation at 106.5% of authorized power.

EAS tests, as it would reset its calendar every time it lost power. As a result, it was impossible to determine if EAS tests were being received and sent within the proper time constraints.

Federal Communications Commission

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 the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, Quinn 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.⁵
4. In accordance with Section 1.16 of the Rules, we direct Quinn to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Quinn with personal knowledge of the representations provided in Quinn’s response, verifying the truth and accuracy of the information therein,⁶ 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. 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.⁷
5. 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
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Quinn Broadcasting, Inc. at its address of record.

⁴47 U.S.C. § 403.

⁵47 C.F.R. § 1.89(c).

⁶Section 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 C.F.R. § 1.16.

⁷18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁸ 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.

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Kevin Doyle
Acting District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

⁸P.L. 93-579, 5 U.S.C. § 552a(e)(3).