

Federal Communications Commission

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

In the Matter of)	
)	
LBI Radio License LLC)	File No. EB-FIELDWR-12-00001216
Licensee of Radio Station KEBN)	
Facility ID # 50513)	
Garden Grove, CA)	NOV No. V201232900018
)	

NOTICE OF VIOLATION

Released: May 23, 2012

By the District Director, Los Angeles District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s Rules,¹ to LBI Radio License LLC (LBI), licensee of radio station KEBN serving Garden Grove, California. This Notice may be combined with a further action, if further action is warranted.²

2. On March 13, 2012, an agent of the Enforcement Bureau’s Los Angeles Office inspected radio station KEBN and observed the following violations:

- a. 47 C.F.R. § 11.35(a): “[Emergency Alert System (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 the inspection, there were no entries in the station’s logs indicating why KEBN did not receive Required Weekly Tests from the Orange County, California, LP-1 or LP-2 stations. The inspection did show that tests were being received from Los Angeles County LP-1 station (KFI) during the three month period prior to the inspection.

- b. 47 C.F.R. § 73.1870(c)(3): “(c) The chief operator is responsible for completion of the following duties specified in this paragraph below. ... (3) Review of 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 Chief Operator had not signed the EAS logs for over three months.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. On March 15, 2012 an agent of the Enforcement Bureau's Los Angeles Office monitored radio station KEBN, and observed the following violation:

- a. 47 C.F.R. § 11.61(a)(1)(i): "(a)(1) Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code. (i) ... These monthly tests must be transmitted within 60 minutes of receipt by EAS Participants in an EAS Local Area or State...." The agent's monitoring found that KEBN did not retransmit the required monthly test which was issued at 11:00 AM on March 15, 2012 by the Orange County LP-1 and LP-2 stations in accordance with the Orange County, California, local EAS plan.

4. 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. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions the station may have taken. Therefore, LBI 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 LBI to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of LBI with personal knowledge of the representations provided in LBI's response, verifying the truth and accuracy of the information therein,⁵ 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.⁶

6. 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:

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 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 C.F.R. § 1.16.

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

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Los Angeles District Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

7. This Notice shall be sent to LBI Radio License LLC 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

Nader Haghighat
District Director
Los Angeles District Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).