

Federal Communications Commission

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

In the Matter of)	
)	
Radio Free Palmer, Inc.)	File No. EB-FIELDWR-12-00002167
Licensee of Station KVRF)	
Facility ID #177165)	
Palmer, Alaska)	NOV No. V201232780007
)	

NOTICE OF VIOLATION

Released: July 2, 2012

By the Resident Agent, Anchorage Resident Agent 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 Radio Free Palmer, Inc. (RFP), licensee of non-commercial educational FM radio station KVRF in Palmer, Alaska. This Notice may be combined with a further action, if further action is warranted.²

2. On March 28, 2012, agents of the Enforcement Bureau's Anchorage Resident Agent Office inspected Station KVRF's main studio located at 550 South Alaska Street, Suite 201, Palmer, Alaska and observed the following violations:

- a. 47 C.F.R. § Section 11.15: "The EAS Operating Handbook states in summary form the actions to be taken by personnel at EAS Participant facilities upon receipt of an EAN, an EAT, tests, or State and Local Area alerts. It is issued by the FCC and contains instructions for the above situations. A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions." At the time of the inspection, the EAS Operating Handbook was not available.
- b. 47 C.F.R. § Section 11.52(d): "EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and 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, only one source, Station KNBA, was being monitored.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- c. 47 C.F.R. § Section 73.1226(a): “Station records and logs shall be made available for inspection or duplication at the request of the FCC or its representative.” At the time of the inspection, the station’s logs were not made available to the agents.
- d. 47 C.F.R. § 73.1870(b)(3): “Chief operators shall be employed or serve on the following basis: (3) The designation of the chief operator must be in writing with a copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files.” At the time of the inspection, no written designation of the chief operator was made available to the agents.

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,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, Radio Free Palmer, Inc., 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

4. In accordance with Section 1.16 of the Commission’s Rules, we direct Radio Free Palmer, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Radio Free Palmer, Inc. with personal knowledge of the representations provided in Radio Free Palmer, Inc. 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

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 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.

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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 No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Anchorage Resident Agent Office
P.O. Box 231949
Anchorage, Alaska

6. This Notice shall be sent to Radio Free Palmer, Inc. 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

Marlene Windel
Resident Agent
Anchorage Resident Agent Office
Western Region
Enforcement Bureau

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

⁷P.L. 93-579, 5 U.S.C. § 552a(e)(3).