

Federal Communications Commission

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

In the Matter of)	
)	
White Earth Land Recovery Project)	File No.: EB-FIELDNER-12-00003081
Licensee of Radio Station KKWE)	
Facility ID #174165)	NOV No.: V201232320005
White Earth, Minnesota)	
)	

NOTICE OF VIOLATION

Released: July 23, 2012

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules¹ to White Earth Land Recovery Project, licensee of radio station KKWE in White Earth, Minnesota.
2. On June 27, 2012, an agent of the Commission's Chicago Office inspected Station KKWE at its main studio at 607 Main Avenue, Callaway, Minnesota, 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 and cable systems and wireless cable system are specified in the State EAS Plan and FCC Mapbook. . . ." The EAS logs show that during May and June only one source (KFGF/NWS) was being monitored.
 - b. 47 C.F.R. § 11.35(a): "EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, Attention Signal generating and receiving equipment, and Intermediate Devices used as part of the EAS to decode and/or encode messages formatted in the EAS Protocol and/or the Common Alerting Protocol are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, EAS Participants must determine the cause of any failure to receive the required tests or activations specified in §11.61(a)(1) and (2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in §§73.1820 and 73.1840 of this chapter for all broadcast streams. . . ." A review of the logs revealed that in March and April the required monthly test (RMT) was received but not transmitted. In May and June there was no record of the RMT being received or transmitted. There were no entries in the EAS logs indicating why the RMT was not received and transmitted in March, April, May and June.

¹47 C.F.R. § 1.89.

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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. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, KKWE, 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.³
4. In accordance with Section 1.16 of the Commission's rules, we direct White Earth Land Recovery Project, to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of White Earth Land Recovery Project, with personal knowledge of the representations provided in White Earth Land Recovery Project's response, verifying the truth and accuracy of the information therein,⁴ 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.⁵
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
Chicago Office
1550 North Northwest Highway, Room 306
Park Ridge, IL 60068

6. This Notice shall be sent to White Earth Land Recovery Project, at its address of record.

²47 U.S.C. § 403.

³47 C.F.R. § 1.89(c).

⁴Section 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)'.⁵" 47 C.F.R. § 1.16.

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

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7. The Privacy Act of 1974⁶ 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

James M. Roop
District Director
Chicago District Office
Northeast Region
Enforcement Bureau

⁶P.L. 93-579, 5 U.S.C. § 552a(e)(3).