

Federal Communications Commission

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

In the Matter of)	
)	
Hye Cha Kim)	File No.: EB-12-AT-0001
Licensee of Radio Station WDGR(AM))	NOV No. V201232480008
)	Facility ID No.: 24459
Dahlonega, GA)	
)	
)	
)	

NOTICE OF VIOLATION

Released: August 1, 2012

By the District Director, Atlanta Office, South Central, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)¹ to Hye Cha Kim, licensee of AM radio station WDGR, located at Dahlonega, GA.
2. On January 5, 2012 and January 11, 2012, agents of the Commission’s Atlanta Office monitored radio station WDGR and observed the following violation:
 - a. 47 C.F.R. § 73.1545(a): “AM stations. The departure of the carrier frequency for monophonic transmissions or center frequency for stereophonic transmissions may not exceed +/- 20 Hz from the assigned frequency.” The agents determined that WDGR’s frequency was 1210.408 KHz, 388 Hz above tolerance.
3. On January 17, 2012 an agent of the Commission’s Atlanta Office inspected radio station WDGR, Dahlonega, GA. and observed the following violation:
 - a. 47 C.F.R. § 73.1870(a): “The licensee of each AM...broadcast station must designate a person to serve as the station’s chief operator...The designation of the chief operator must be in writing with a copy of the designation posted with the station license.” There was no written designation of chief operator at the station.
 - b. 47 C.F.R. § 73.3526(e)(8), (e)(12), : “*Contents of the file.* The material[s] to be retained in the public inspection file [are]... (8) *The public and broadcasting.* At all times, a copy of the most recent version of the manual entitled “The Public and Broadcasting... (12) *Radio issues/programs lists.* For commercial AM and FM broadcast

¹47 C.F.R. § 1.89.

Federal Communications Commission

stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated." The public file was missing "The Public and Broadcasting" and the radio issues/programs lists for the 4th Quarter 2011.

- c. 47 C.F.R. § 73.1590(d): "Equipment Performance Measurements - The data required by paragraphs (b) and (c) of this section, together with a description of the equipment and procedures used in making the measurements, signed and dated by the qualified person(s) making the measurements, must be kept on file at the transmitter or remote control point for a period of 2 years, and on request must be made available during that time to duly authorized representatives of the FCC." The latest equipment performance measurements for Station WDGR were not available at the time of the inspection.
- d. 47 C.F.R. § 11.35(b): If the EAS Encoder or EAS decoder becomes defective, the EAS participant may operate without the defective equipment pending its repair or replacement for 60 days without further FCC authority. Entries shall be made in the broadcast station log...showing the date and time the equipment was removed and restored to service." During the inspection, the chief operator stated that the operational EAS equipment had been recently replaced, but the date of the removal of the prior EAS equipment was not listed in any log.
- e. 47 C.F.R. § 73.1800(a): "The licensee of each station must maintain a station log as required by Section 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 the inspection, there was no station log of WDGR's operations.
- f. 47 C.F.R. § 73.1230(a): "The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such a manner that all terms are visible at the place the licensee considers to be the principal control point of the transmitter." There was no copy of the current station license at the station.

Federal Communications Commission

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Rules, Hye Cha Kim, must submit a written statement concerning this matter within twenty (20) 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 a principal or officer of 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
Atlanta Office
3575 Koger Blvd., Suite 320
Duluth, GA 30096

5. This Notice shall be sent to Hye Cha Kim at her address of record.
6. 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 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

Douglas G. Miller
District Director
Atlanta District Office
South Central Region
Enforcement Bureau

cc: Jeffrey L. Timmons, ESQ

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*