

Federal Communications Commission

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

In the Matter of)	
)	
Treasure Valley Broadcasting Co.)	File No. EB-FIELDWR-12-00003871
Licensee of Station KKOO)	
)	
Facility ID # 67612)	
)	
Fruitland, Idaho)	NOV No. V201232920004

NOTICE OF VIOLATION

Released: August 31, 2012

By the Resident Agent, Portland 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 Treasure Valley Broadcasting Co. ("Treasure Valley"), licensee of FM radio station KKOO in Fruitland, Idaho. Pursuant to Section 1.89(a) of the Commission's Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On August 16, 2012, an agent of the Enforcement Bureau's Portland Office inspected FM radio station KKOO located at 1156 N. Orchard, Boise, Idaho, and observed the following violation(s):

- a. 47 C.F.R. § 11.56: "Obligation to process [Common Alerting Protocol] CAP-formatted EAS messages.
(a) On or by June 30, 2012, EAS Participants must have deployed operational equipment that is capable of the following:
(1) Acquiring EAS alert messages in accordance with the monitoring requirements in §11.52(d)(2);
(2) Converting EAS alert messages that have been formatted pursuant to the Organization for the Advancement of Structured Information Standards (OASIS) Common Alerting Protocol..." During the inspection conducted on

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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August 16, 2012, KKOO did not have the required CAP-formatted EAS equipment.³

- b. 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. 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, KKOO did not have the chief operator designation in writing.

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. In addition, the designation of the chief operator must be in writing with a copy posted with the station license.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Treasure Valley, 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

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

³ 47 C.F.R. § 11.56. Review of the Emergency Alert System, 77 Fed. Reg. 16688, 16706 (Mar. 22, 2012), as amended, 77 FR 26701, 26703, (May 7, 2012).

⁴ 47 U.S.C. § 308(b).

⁵ 47 C.F.R. § 1.89(c).

⁶ 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.

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the U.S. Code.⁷

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:

Federal Communications Commission
Portland Resident Agent Office
P.O. Box 61469
Vancouver, Washington 98666-1469

7. This Notice shall be sent to Treasure Valley Broadcasting Co. at its address of record.

8. 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.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Resident Agent Office
Western Region
Enforcement Bureau

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

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).