

Federal Communications Commission

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

In the Matter of)	
)	
Four Corners Broadcasting, LLC)	File No. EB-FIELDWR-12-00004044
Licensee of WPNG746)	
)	
Durango, Colorado)	NOV No. V201232800070
)	

NOTICE OF VIOLATION

Released: September 27, 2012

By the District Director, Denver 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 Four Corners Broadcasting, LLC (FCB), licensee of aural Studio Transmitter Link (STL) station WPNG746, operating on the frequency 951.875 MHz, in Durango, Colorado. 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 noted herein.²

2. On August 23, 24, and 25, 2012, an agent of the Enforcement Bureau’s Denver Office monitored and inspected WPNG746, located in Durango, Colorado, and observed the following violations:

- a. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part...” The license for station WPNG746 specifies the transmitter coordinates as 37° 14’ 52.0” north latitude and 107° 52’ 34.2” west longitude, with a street address of 185 Suttle Drive, in Durango, Colorado. At the time of the monitoring and the station inspection, the agent observed that FCB was operating station WPNG746 at the coordinates of 37° 14’ 19” north latitude 107° 52’ 33” west longitude, with a street address of 190 Turner Drive, Suite G, in Durango, Colorado.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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The STL radio station was not operating from the street address or the coordinates listed on the WPNG746 license.

3. Pursuant to Section 308(b) 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 taken. Therefore, FCB 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 FCB to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of FCB with personal knowledge of the representations provided in FCB'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

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
Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

6. This Notice shall be sent to Four Corners Broadcasting, LLC, at its address of record.

³ 47 U.S.C. § 308(b).

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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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.

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Nikki P. Shears
District Director
Denver Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).