

Federal Communications Commission

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

In the Matter of)	
)	
Winton Road Broadcasting Co., LLC)	File No. EB-FIELDWR-12-00003907
Licensee of Station KVFC)	
Facility ID # 16434)	
Cortez, Colorado)	NOV No. V201232800072
)	

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 Winton Road Broadcasting Co., LLC (Winton Road), licensee of radio station KVFC in Cortez, 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 violations noted herein.²

2. On August 23 and 24, 2012, an agent of the Enforcement Bureau's Denver Office inspected Station KVFC located at Cortez, Colorado, and observed the following violations:

- a. 47 C.F.R. § Section: 73.1350(a): "Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization." At the time of the inspection, the agent found that the KVFC transmitter coordinates were over 0.5 mile east from the actual center of its two-tower AM directional array which utilizes Antenna Structure Registration #'s 1053153 and 1053154. The licensed NAD27 coordinates for KVFC are N37° 20' 58" W108° 32' 29".
- b. 47 C.F.R. § Section: 73.49: "Antenna towers having radio frequency potential at the base (series fed, folded unipole, and insulated base antennas) must be enclosed within effective locked fences or other enclosures. Ready access must be provided to each antenna tower base for meter reading and

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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maintenance purposes at all times. However, individual tower fences need not be installed if the towers are contained within a protective property fence.” At the time of inspection the base fence for Antenna Structure 1053154 was missing boards on the east and north sides, and the south side was leaning into the tower space allowing easy access to the tower base.

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, Winton Road 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 Winton Road to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Winton Road with personal knowledge of the representations provided in Winton Road’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:

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

6. This Notice shall be sent to Winton Road Broadcasting Co., LLC, 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

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).