

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Steckline Communications, Inc.	)	File No.: EB-FIELDSCR-12-00005157
Licensee of Radio Station KGSO	)	NOV No.: V201332560004
Wichita, Kansas	)	Facility ID No.: 53150
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released:** November 8, 2012

By the District Director, Kansas City Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)<sup>1</sup> to Steckline Communications, Inc., licensee of Station KGSO in Wichita, Kansas. Pursuant to Section 1.89(a) of the 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.<sup>2</sup>
  
2. On October 22, 2012, an agent of the Commission’s Kansas City Office inspected Station KGSO located at 1632 S. Maize Rd, Wichita, Kansas, and observed the following violation(s):
  - a. 47 C.F.R.§73.1560(a): “AM stations...(1)... the antenna input power of an AM station ... must be maintained as near as is practicable to the authorized antenna input power and my not be less than 90% nor more than 105% of the authorized power. (2) Whenever the transmitter of an AM station cannot be placed into the specified operating mode at the time required, transmissions of the station must be immediately terminated.” In response to a complaint that the station was not reducing power at night, an agent from the Kansas City Office monitored the station and observed that the station did not reduce power at sunset on October 21, 2012 as required. At the time of inspection, the station was operating with 141% of authorized daytime power. It was later determined that the station had been operating with 141% of authorized daytime power since after sunset the day before.

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<sup>1</sup>47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. §73.1350(e): “If a broadcast station is operating in a manner that poses a threat to life or property or that is likely to significantly disrupt the operation of other stations, immediate corrective action is required. In such cases, operation must be terminated within three minutes unless antenna input power is reduced sufficiently to eliminate any excess radiation. Examples of conditions that require immediate corrective actions include... any mode of operation not specified by the station license for the pertinent time of day, or operation substantially at variance from the authorized radiation pattern.” The station did not have monitoring procedures established to determine that the station was operating in the proper mode for the time of day and did not terminate operation or lower power as required.
  
- c. 47 C.F.R. §73.61(a): “Each AM station using a directional antenna must make field strength measurements at the monitoring point locations specified in the instrument of authorization, as often as necessary to ensure that the field at those points does not exceed the values specified in the station authorization... The results of the measurements are to be entered into the station log.” Prior to the inspection, the last monitoring point readings were taken in March 2012 by a consulting group. Those readings were not entered into station logs. The measurements taken by that consulting group found two of the three readings in excess of the authorized limits. There was no indication that the station took subsequent readings to ensure their operation was within the limits specified in the station authorization. At the time of inspection, the station’s antenna monitor was not working properly and according to station ownership, the last time that monitor was known to be working properly was in May 2012. Despite the known condition of that monitor, the station made no efforts to take readings at each of the monitoring points to ensure the station was within authorized limits.
  
- d. 47 C.F.R. §73.69(b): “In the event that the antenna monitor sampling system is temporarily out of service for repair or replacement, the station may be operated, pending completion of repairs or replacement, for a period not exceeding 120 days without further authority from the FCC if all other operating parameters, and the field monitoring point values are within the limits specified on the station authorization.” At the time of inspection, the antenna monitor was not working properly and according to station ownership the monitor had not been working since May 2012, which was in excess of 120 days.
  
- e. 47 C.F.R. §73.1820(a): “Entries must be made in the station log either manually by a person designated by the licensee who is in actual charge of the transmitting apparatus, or by automatic devices... Indications of operating parameters that are required to be logged must be logged prior to any adjustment of the equipment. Where adjustments are made to restore parameters to their proper operating values, the corrected indications must be logged and accompanied, if any parameter deviation was beyond a prescribed tolerance, by a notation describing the nature of the corrective action. Indications of all parameters whose values are affected by the modulation of the carrier must be read without modulation. The actual time of observation must be included in each log entry.” At the time of inspection, the licensee was not maintaining station logs for anything other than Emergency Alert System

equipment. According to the station ownership, the antenna monitor had been out of service since May 2012 and the station was operating with 141% of authorized power, none of which was noted in any logs. In addition, the last monitoring point readings taken in March 2012 were not available at the time of inspection and those readings, when they were submitted later, indicated out of tolerance conditions with no logs documenting corrective actions.

- f. 47 C.F.R. §73.3526(e)(12): “For commercial AM and FM broadcast 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 lists described in this paragraph shall be retained in the public inspection file until final action has been taken on the station's next license renewal application.” At the time of inspection, the station’s issues-programs list consisted of a list of issues only. The station did not maintain a list of programs aired to address those issues.
  
  - g. 47 C.F.R. §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 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 eastern-most tower for the station had a wooden fence with a broken plank at the bottom resulting in a large hole that would allow access to the antenna base.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, Steckline Communications, Inc., must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must (i) 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.<sup>4</sup>
4. In accordance with Section 1.16 of the Rules, we direct Steckline Communications, Inc. to support its response to this Notice with an affidavit or declaration under penalty of

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<sup>3</sup>47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

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perjury, signed and dated by an authorized officer of Steckline Communications, Inc. with personal knowledge of the representations provided in Steckline Communications, Inc.'s response, verifying the truth and accuracy of the information therein,<sup>5</sup> 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.<sup>6</sup> 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  
Kansas City Office  
520 N.E. Colbern Rd.  
2nd Floor  
Lees Summit, MO 64086-4711

5. This Notice shall be sent to Steckline Communications, Inc. at its address of record.
  
6. The Privacy Act of 1974<sup>7</sup> 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.<sup>8</sup>

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage  
District Director  
Kansas City Office  
South Central Region  
Enforcement Bureau

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<sup>5</sup> Section 1.16 of the 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.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>8</sup>18 U.S.C. § 1001 *et seq.*