

**Federal Communications Commission**

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

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|--------------------------|---|----------------------------------|
| In the Matter of         | ) |                                  |
|                          | ) |                                  |
| Salt & Light Radio, Inc. | ) | File No.: EB-FIELDWR-13-00010212 |
| Licensee of Station KCID | ) |                                  |
|                          | ) | NOV No.: V201332920017           |
|                          | ) |                                  |
| Caldwell, Idaho          | ) | Facility ID: 68593               |

**NOTICE OF VIOLATION**

**Released: August 1, 2013**

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 (Rules)<sup>1</sup> to Salt & Light Radio, Inc. (Salt & Light), licensee of radio station KCID in Caldwell, Idaho. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice 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 July 24, 2013, an agent of the Enforcement Bureau's Portland Office inspected radio station KCID located at 5601 W. Cassia, Boise, Idaho, and observed the following violations:

- a. 47 C.F.R. § 11.21(a): "...If a state's emergency alert system is capable of initiating EAS messages formatted in the Common Alerting Protocol (CAP), its State EAS Plan must include specific and detailed information describing how such messages will be aggregated and distributed to EAS Participants within the state, including the monitoring requirements associated with distributing such messages." During the inspection conducted on July 24, 2013, the inspecting agent noted that KCID did not have the current EAS State Plan with information concerning the Common Alert Protocol.
- b. 47 C.F.R. §11.15: "The EAS Operating Handbook states in summary form the actions to be taken by personnel at EAS Participant facilities upon receipt of an EAN, an EAT, tests, or State and Local Area alerts. It is issued by the FCC and contains instructions for the above situations. A copy of the Handbook must be located at normal duty positions or EAS equipment

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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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locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions.” KCID did not maintain the required EAS Operating Handbook during the inspection conducted on July 24, 2013.

- c. 47 C.F.R. 11.35: “EAS Participants are responsible for ensuring that EAS Encoders, EAS Decoders, Attention Signal generating and receiving equipment, and Intermediate Devices used as part of the EAS to decode and/or encode messages formatted in the EAS Protocol and/or the Common Alerting Protocol are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation.” During the inspection on July 24, 2013, the Encoder/Decoder model Sage ENDEC was not connected to the internet to monitor the Common Alerting Protocol messages.
- d. 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...” During the inspection conducted on July 24, 2013, the agent observed that KCID did not have the 2<sup>nd</sup> Quarter 2013 Issues and Programs lists in the station’s Public Inspection File.
- e. 47 C.F.R. § 73.1870(b)(3): “ The designation of the chief operator must be in writing with copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with copy kept in the station files.” KCID did not have the chief operator designation in writing during the inspection on July 24, 2013.
- f. 47 C.F.R § 73.1590(a)(6): “ The licensee of each AM, FM, TV and Class A TV stations, except licensees of Class D non-commercial educational FM stations authorized to operate with 10 watts or less output power, must make equipment performance measurements for each main transmitter annually, for AM stations, with not more than 14 months between measurements.” During the inspection conducted on July 24, 2013, KCID did not have the required equipment performance measurements.

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. The inspection conducted on July 24, 2013, revealed that KCID did not have current EAS State Plan and the EAS Operating Handbook. The agent also observed that KCID’s

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Encoder/Decoder model Sage ENDEC was not connected to the internet to monitor the Common Alert Protocol (CAP) messages. In addition, KCID did not have the 2<sup>nd</sup> Quarter Issues and Programs lists in the Public Inspection File, the Chief Operator Designation in writing, and the annual Equipment Performance Measurements.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Salt & Light, 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.<sup>4</sup>

5. In accordance with Section 1.16 of the Rules, we direct Salt & Light to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Salt and Light with personal knowledge of the representations provided in Salt & Light'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>

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  
PO Box 61469  
Vancouver, WA 98666-1469

7. This Notice shall be sent to Salt & Light Radio, Inc. at the address of record.

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<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.

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8. 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.

FEDERAL COMMUNICATIONS COMMISSION

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

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