

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Cochise Broadcasting LLC	)	File No.: EB-FIELDSCR-13-00010408
Licensee of Station KOMJ	)	NOV No.: V201332560032
	)	Facility ID: 74104
Omaha, NE	)	

**NOTICE OF VIOLATION**

**Released: August 14, 2013**

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 Cochise Broadcasting LLC, licensee of Station KOMJ in Omaha, Nebraska. 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 August 1, 2013, an agent of the Enforcement Bureau’s Kansas City Office attempted to inspect Station KOMJ located in Omaha, NE, and observed the following violation(s):

- a. 47 C.F.R. § 73.1125(a): “...each AM, FM and TV broadcast station shall maintain a main studio at one of the following locations: (1) Within the station’s community of license; (2) At any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station’s community of license; (3) Within twenty-five miles from the reference coordinates of the center of its community of license...” On August 1, 2013, an agent from the Kansas City Office attempted to inspect Station KOMJ’s main studio, while the Station was on the air. The Station’s webpage contains no main studio address and only lists a local phone number, which transfers to voice mail for stations located in the state of Arizona. The Station’s address of record is a mail box in the state of Wyoming, and the phone number of record connects to an attorney located in Virginia. On August 1, 2013, the agent attempted to reach the Station at the local phone number listed on its webpage, but the agent’s voicemail

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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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messages were not returned. The attorney listed as the point of contact for the Station stated that the main studio was located at 10714 Mockingbird Dr., Omaha, Nebraska. However, this location is the main studio for the Journal Broadcast Group stations in Omaha. The staff for the Journal Broadcast Group stations stated that Station KOMJ's main studio was not located at 10714 Mockingbird Dr. and that no one associated with Station KOMJ worked at the location. The agent from the Kansas City Office was unable to locate any main studio for Station KOMJ.

- b. 47 C.F.R. § 73.3526: “(a) Responsibility to maintain a file, The following shall maintain for public inspection a file containing the material set forth in this section... (2) Every permittee or licensee of an AM, FM, TV or Class A TV station in the commercial broadcast services shall maintain a public inspection file . . . (c)(1) The file shall be available for public inspection at any time during regular business hours.” On August 5, 2013, an agent from the Kansas City Office was told by the contact for the Station that KOMJ's public inspection file was located at 10714 Mockingbird Dr. The agent telephoned the business located at that address. The staff there, who worked for the Journal Broadcast Group, was unaware of the location of Station KOMJ's public inspection file and was unable to make it available. The staff eventually determined that Cochise Broadcasting LLC rented space at 10714 Mockingbird Dr., but was unable to elaborate further.

3. 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, Cochise Broadcasting LLC 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>

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

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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

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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>

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  
Kansas City Office  
520 NE Colbern Rd., 2<sup>nd</sup> Floor  
Lees Summit, MO 64086

6. This Notice shall be sent to Cochise Broadcasting LLC at its address of record.

7. 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

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

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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).