

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

In the Matter of	)	
	)	
KBPC, LLC	)	File No.: EB-FIELDSCR-14-00014703
Licensee of Station KBPC-FM	)	
	)	
Crocket, Texas	)	NOV No.: V201432500021
	)	Facility ID: 3526

NOTICE OF VIOLATION

Released: April 4, 2014

By the District Director, Dallas 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 KBPC, LLC, licensee of Station KBPC-FM in Crocket, Texas. 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 March 25, 2014, agents of the Enforcement Bureau's Dallas Office interviewed the manager at Station KBPC-FM in Crocket, Texas, 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..." The Commission has interpreted Section 73.1125 (also known as the Main Studio Rule) to require the station to "equip the main studio with production and transmission facilities that meet applicable standards, maintain continuous program transmission capability, and maintain a meaningful management and staff presence."<sup>3</sup> Specifically, the Commission has found that a main studio "must, at a minimum, maintain full-time managerial and full-time staff personnel."<sup>4</sup> On March 25, 2014, the station manager told the agents that Station KPBC-FM lost its lease for its main studio over a year ago and admitted that its main studio was currently housed in its unattended transmitter site. In order to inspect the "main studio," agents had to schedule an appointment.

<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> *Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5026 (1988) (*Main Studio and Program Origination Rules*), *erratum issued*, 3 FCC Rcd 5717 (1988) (correcting language in n.29).

<sup>4</sup> *See Jones Eastern of the Outer Banks, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616 & n.2 (1991) (noting that, "This is not to say that the same staff person and manager must be assigned full-time to the main studio. Rather, there must be management and staff presence on a full-time basis during normal business hours to be considered 'meaningful.'"), *clarified*, 7 FCC Rcd 6800 (1992) (*Jones Eastern II*). *See also Birach Broadcasting Corporation*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 2635 (Enf. Bur. 2010).

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>5</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, KBPC, 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>6</sup>

4. In accordance with Section 1.16 of the Rules, we direct KBPC, 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 KBPC, LLC with personal knowledge of the representations provided in KBPC, LLC's response, verifying the truth and accuracy of the information therein,<sup>7</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>8</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  
Dallas Office  
9330 LBJ Freeway, Suite 1170  
Dallas, Texas, 75243

6. This Notice shall be sent to KBPC, LLC at the address of record.

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<sup>5</sup> 47 U.S.C. § 308(b).

<sup>6</sup> 47 C.F.R. § 1.89(c).

<sup>7</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>8</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

7. The Privacy Act of 1974<sup>9</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

James D. Wells  
District Director  
Dallas District Office  
South Central Region  
Enforcement Bureau

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<sup>9</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).