

Federal Communications Commission

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

In the Matter of)	
)	
Salem Radio Inc)	File No. EB-FIELDSCR-17-00024384
Licensee of Radio Station WFBS-LP)	
Facility ID # 194314)	
)	
Salem, SC)	

NOTICE OF VIOLATION

Released: September 5, 2017

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Salem Radio Inc (Salem), licensee of radio station WFBS-LP FM in Salem, South Carolina. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Federal Communications Commission's Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On June 27, 2017, agents of the Enforcement Bureau's Atlanta Office inspected the facilities of Station WFBS-LP FM, located at 207 E North 1st St, Seneca, South Carolina, and observed the following violation:

- a. 47 CFR § 73.840: "The transmitter output power (TPO) of an LPFM station must be determined by the procedures set forth in § 73.267 of this part. The operating TPO of an LPFM station with an authorized TPO of more than ten watts must be maintained as near as practicable to its authorized TPO and may not be less than 90% of the minimum TPO nor greater than 105% of the maximum authorized TPO." Station WFBS-LP is authorized to operate at 50 Watts TPO. At the time of the inspection, the station transmitter was observed operating at 300 Watts TPO, or 600% of its authorized TPO. According to the transmitter system logs the power was routinely kept at or near 300 watts during the previous 30 days.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

Federal Communications Commission

- b. 47 CFR § 73.877: “The licensee of each LPFM station must maintain a station log. Each log entry must include the time and date of observation and the name of the person making the entry. The following information must be entered in the station log: . . . (b) Brief explanation of station outages due to equipment malfunction, servicing, or replacement; (c) Operations not in accordance with the station license; . . .” At the time of the inspection the licensee did not provide any logs other than that kept in the transmitting system memory. It was further noted that the transmitting power had been adjusted from 300 watts down to 50 watts immediately prior to inspection and there were no logs documenting the out of tolerance condition.”

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Salem 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 Rules, we direct Salem to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Salem with personal knowledge of the representations provided in Salem’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. specified above, and mailed to the following address:

³ 47 U.S.C. § 308(b).

⁴ 47 CFR § 1.89(c).

⁵ 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 CFR § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

Federal Communications Commission

Federal Communications Commission
Office of the Director - Region Two
3600 Hiram Lithia Springs Rd. SW
Powder Springs, GA 30127

6. This Notice shall be sent to Salem 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

Ronald Ramage
Director - Region Two
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).