

**Federal Communications Commission**

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

In the Matter of	)	
	)	
MPS Media of Tennessee, LLC	)	File No. EB-10-AT-0098
Licensee of Digital TV Station WFLI-TV	)	
Facility ID #72060	)	NOV No. V201032480006
Cleveland, TN	)	
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: August 20, 2010**

By the District Director, Atlanta 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<sup>1</sup> to MPS Media of Tennessee, LLC, licensee of digital TV station WFLI-TV, Cleveland, TN.
2. On July 28, 2010, agents of the Enforcement Bureau’s Atlanta Office monitored WFLI-TV, and then inspected the station’s main studio in Chattanooga, TN on July 29, 2010 and observed the following violation(s):

- a. 47 C.F.R. § 11.52(d): EAS participants must monitor two assigned EAS sources.”

The station was monitoring only one of the two assigned monitoring sources.

- b. 47 C.F.R. § 73.1870(c)(3): The designated chief operator must review and sign the station logs on a weekly basis.

The chief operator was not reviewing or signing the logs on a weekly basis.

- c. 47 C.F.R. § 73.1201(a)(2): “Broadcast station identification announcements shall be made...hourly, as close to the hour as feasible, at a natural break in program offerings. Television and Class A television broadcast stations may make these announcements visually or aurally.”

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<sup>1</sup>47 C.F.R. § 1.89.

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The licensee failed to conduct the required station identification on the hours of 5:00 PM and 9:00PM on July 28, 2010. The station also failed to conduct the required station identification at 5:00 AM on July 29, 2010.

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. We also must investigate violations of other rules that apply to broadcast licensees. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Commission's Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, MPS Media of Tennessee, 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 Commission's Rules, we direct MPS Media of Tennessee, 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 MPS Media of Tennessee, LLC with personal knowledge of the representations provided in MPS Media of Tennessee, LLC response, verifying the truth and accuracy of the information therein, 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>5</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  
Atlanta Office  
3575 Koger Blvd.  
Duluth, GA 30096

6. This Notice shall be sent to MPS Media of Tennessee, LLC at its address of record.

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<sup>3</sup> 47 U.S.C. § 403

<sup>4</sup> 47 C.F.R. § 1.89(c)

<sup>5</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974<sup>6</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

Douglas G. Miller  
District Director  
Atlanta District Office  
South Central Region  
Enforcement Bureau

cc: WFLI-TV

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<sup>6</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3)