

Federal Communications Commission

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

In the Matter of)	
)	
Quinn Broadcasting Inc.)	File No. EB-11-PA-0129
Licensee of Station WSNJ)	
Facility ID # 12212)	
Bridgeton, New Jersey)	NOV No. V201232400040
)	

NOTICE OF VIOLATION

Released: May 25, 2012

By the Acting District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules),¹ to Quinn Broadcasting, Inc. (Quinn), the licensee of AM Station WSNJ in Bridgeton, New Jersey. This Notice may be combined with a further action, if further action is warranted.²

2. On June 28, 2011, an agent of the Enforcement Bureau’s Philadelphia Office inspected Station WSNJ in Bridgeton, New Jersey and observed the following violations:
 - a. 47 C.F.R. § 73.1590(a)(6): “The licensee of each AM, FM, TV and Class A TV station, 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 as follows: Annually, for AM stations, with not more than 14 months between measurements.” At the time of the inspection, Quinn could not produce any equipment performance measurements for Station WSNJ.

 - b. 47 C.F.R. § 11.35(a): “...EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in §§ 73.1820 and 73.1840 of this chapter for all broadcast streams and cable system records as specified in §§ 76.1700, 76.1708, and 76.1711 of this chapter.” At the time of the inspection, there were no entries in the station’s EAS logs indicating that the internal clock of the station’s EAS equipment

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. S 1.89(a).

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had rolled back one month due to a power failure making it appear the station did not receive any EAS tests between May 24, 2011 and June 24, 2011.

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,³ and Section 1.89 of the Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, Quinn 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 Quinn to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Quinn with personal knowledge of the representations provided in Quinn'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. and NOV No. specified above, and mailed to the following address:

³47 U.S.C. § 403.

⁴47 C.F.R. § 1.89(c).

⁵Section 1.16 of the Commission's 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.

⁶18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Quinn Broadcasting, Inc. 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

Kevin Doyle
Acting District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

⁷P.L. 93-579, 5 U.S.C. § 552a(e)(3).