

Federal Communications Commission

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

In the Matter of)	
)	
Inspirational Family Radio, Inc.)	File No. EB-FIELDWR-12-00003864
Licensee of Station KSPD)	
)	
Facility ID # 35627)	
)	
Boise, Idaho)	NOV No. V201232920014

NOTICE OF VIOLATION

Released: September 13, 2012

By the Resident Agent, Portland Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s Rules,¹ to Inspirational Family Radio, Inc. (Inspirational Family Radio), licensee of radio station KSPD in Boise, Idaho. Pursuant to Section 1.89(a) of the Commission’s Rules, issuance of this NOV 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.²

2. On August 16, 2012, an agent of the Enforcement Bureau’s Portland Office inspected radio station KSPD located at 1440 Weideman Avenue, Boise, Idaho, and observed the following violations:

- a. 47 C.F.R. § 11.61(b): “Entries shall be made in EAS Participant records, as specified in §11.35(a) and 11.54(a)(3).” KSPD did not have any records for receiving tests formatted with the Common Alerting Protocol in the EAS logs from July 2 through August 16, 2012.
- b. 47 C.F.R. § 73.1590(a)(6): “The equipment performance measurements for each transmitter has to be made annually, for AM stations, with not more than 14 months between measurements.” During the inspection conducted on August 16, 2012, KSPD produced its equipment performance measurements, dated June 29, 2009. The referenced document was outdated

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

and there were no equipment performance measurements made after June 29, 2012, within 14 months intervals.

- c. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files.” At the time of the inspection, KSPD did not have the chief operator designation in writing.

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. In addition, each AM station must make the equipment performance measurements of the transmitter, annually, with not more than 14 months between measurements; and the designation of the chief operator must be in writing with a copy posted with the station license.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Inspirational Family Radio, 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

5. In accordance with Section 1.16 of the Commission’s Rules, we direct Inspirational Family Radio to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Inspirational Family Radio with personal knowledge of the representations provided in Inspirational Family Radio’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

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 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.

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

Federal Communications Commission

6. 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
Portland Resident Agent Office
P.O. Box 61469
Vancouver, Washington 98666-1469

7. This Notice shall be sent to Inspirational Family Radio, Inc. at its address of record.

8. 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

Binh Nguyen
Resident Agent
Portland Resident Agent Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).