

Federal Communications Commission

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

In the Matter of)	
)	
San Antonio Public Safety Alliance)	File No.: EB-FIELDSCR-17-00025284
Licensee of Station KXTJ-LP)	
San Antonio, Texas)	
)	Facility ID No.: 193570
)	

NOTICE OF VIOLATION

Released: January 4, 2018

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Federal Communications Commission’s rules¹ to San Antonio Public Safety Alliance, licensee of Station KXTJ-LP in San Antonio, Texas. Pursuant to Section 1.89(a) of the Commission’s rules, issuance of this Notice does not preclude the Enforcement Bureau (Bureau) from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On September 21, 2017, an agent of the Bureau’s Dallas Office inspected Station KXTJ-LP located in San Antonio, Texas, and observed the following violation(s):

- a. 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: (a) Any extinguishment or malfunction of the antenna structure obstruction lighting, adjustments, repairs, or replacement to the lighting system, or related notification to the FAA. See §§ 17.48 and 73.49 of this chapter; (b) Brief explanation of station outages due to equipment malfunction, servicing, or replacement; (c) Operations not in accordance with the station license; and (d) EAS weekly log requirements set forth in § 11.61(a)(1)(v) of this chapter. At the time of the inspection, the agent observed that there

¹ 47 CFR § 1.89.

² *Id.* § 1.89(a).

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was no EAS log or station log available for inspection.³ Also, the licensee did not provide a log upon request.⁴

3. As the nation's emergency warning system, the Emergency Alert System (EAS) 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 licensees.

4. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁵ and Sections .0111 and 1.89 of the Commission's rules, we seek additional information concerning the violations and any remedial actions taken.⁶ Therefore, San Antonio Public Safety Alliance 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.⁷

5. In accordance with Section 1.16 of the Commission's rules, we direct San Antonio Public Safety Alliance to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,⁸ and confirming that all of the information requested by this Notice which is in 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.⁹

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:

³ *Id.* §§ 73.877(a)-(d).

⁴ *Id.* § 73.878(b).

⁵ 47 U.S.C. § 403.

⁶ 47 CFR §§ 0.111 and 1.89.

⁷ *Id.* § 1.89(c).

⁸ 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 CFR § 1.16.

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

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Office of the Director - Region Two
P.O. Box 1493
Powder Springs, GA 30127

7. This Notice shall be sent to San Antonio Public Safety Alliance at its address of record.
8. The Privacy Act of 1974¹⁰ 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 D. Ramage
Regional Director
Region Two
Enforcement Bureau

¹⁰ P.L. 93-579, 5 U.S.C. § 552a(e)(3).