

Federal Communications Commission

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

In the Matter of)	
)	
Intermountain Broadcasting Company)	File No. EB-03-DT-1248
Licensee of Radio Station WJSN-FM)	
Facility ID # 28905)	NOV No. V20043236007
Jackson, KY)	

NOTICE OF VIOLATION

Released: January 6, 2004

By the District Director, Detroit Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Intermountain Broadcasting Company, licensee of radio station WJSN-FM ("WJSN").

2. On December 19, 2003, an agent of the Commission's Detroit Office inspected radio station WJSN located at Jackson, Kentucky, and observed the following violation(s):

- a. 47 C.F.R. § 11.15: "The EAS Operating Handbook states in summary form the actions to be taken by personnel at broadcast stations...A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions." At the time of inspection, no EAS Operating Handbook was available.
- b. 47 C.F.R. § 11.52(d): "Broadcast stations ... must monitor two EAS sources. The monitoring assignments of each broadcast station ... are specified in the State EAS Plan and FCC Mapbook. They are also developed in accordance with FCC monitoring priorities..." At the time of inspection, one EAS source was being monitored.

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

- c. 47 C.F.R. § 11.61(a)(2)(i)(A): “Tests of EAS procedures...Required Weekly Tests:...AM, FM and TV stations must conduct tests...at least once each week and at random days and times...” During the six week period from November 2, 2003 to December 13, 2003, only two EAS tests were sent.
- d. 47 C.F.R. § 73.3526(e)(5): “Contents of the file. The material required to be retained in the public inspection file is as follows:...*Ownership reports and related materials*. A copy of the most recent, complete ownership report filed with the FCC for the station...” At the time of inspection, no ownership reports were in the public inspection file.
- e. 47 C.F.R. § 73.3526(e)(6): “Contents of the file. The material required to be retained in the public inspection file is as follows:...*Political File*. Such records as are required by § 73.1943 to be kept concerning broadcasts by candidates for public office. These records shall be retained for the period specified in § 73.1943 (2 years).” (See attached). At the time of inspection, no political file was in the public inspection file.
- f. 47 C.F.R. § 73.3526(e)(8): “Contents of the file. The material required to be retained in the public inspection file is as follows:...*The public and broadcasting*. At all times, a copy of the most recent version of the manual entitled “The Public and Broadcasting.” At the time of inspection, there was no copy of “The Public and Broadcasting” in the public inspection file.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Intermountain Broadcasting Company, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. 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:

² 47 U.S.C. § 308(b).

Federal Communications Commission

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, MI 48335

4. This Notice shall be sent to Intermountain Broadcasting Company, Radio Station WJSN-FM, 1501 Hargis Lane, Jackson, KY 41339.

5. The Privacy Act of 1974³ 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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit Office

Attachment

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*