

Federal Communications Commission

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

In the Matter of)	File No. EB-04-NY-008
)	File No. EB-04-NY-009
6 Johnson Road Licenses, Inc.)	
Licensee of Radio Stations WHUD(FM) and)	
WLNA(AM))	
Latham, NY)	NOV No. V20043238006

NOTICE OF VIOLATION

Released: January 27, 2004

By the District Director, New York, Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to 6 Johnson Road Licenses, Inc., licensee of radio stations WHUD(FM) and WLNA(AM).

2. On January 14, 2004, an agent of the Commission's New York Office inspected radio stations WHUD(FM) and WLNA(AM) licensed to Peekskill, New York, and observed the following violation(s):

- a. 47 C.F.R. § 11.35(a): "... broadcast stations must determine the cause of any failure to receive the required tests specified in §§ 11.61(a)(1) and (2). Appropriate entries must be made in the broadcast station log as specified in § 73.1820 and § 73.1840 , indicating reasons why any tests were not received." WHUD(FM) and WLNA(AM) logs did not contain entries determining the cause of any failure to receive monthly tests for the periods July to September 2003 and December 2003.
- b. 47 C.F.R. § 11.61(a)(1)(v): "... monthly tests must be transmitted within 60 minutes of receipt by broadcast stations...in an EAS Local Area or State." WHUD(FM) and WLNA(AM) station records failed to show that required monthly tests of EAS header codes, Attention Signal, Test Script, and EOM code were conducted from their monitoring sources for the months of October and November 2003.

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, 6 Johnson Road Licenses, Inc, 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:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to 6 Johnson Road Licenses, Inc., 6 Johnson Road, Latham, New York 12110-5641

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

Daniel W. Noel
District Director
New York Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*