

Federal Communications Commission

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

In the Matter of)	
)	
Banjo Communications Group, Inc.)	File No. EB-03-BF-154
Licensee of AM Radio Station WCHN)	
Facility ID # 13826)	NOV No. V20043228021
Norwich, New York)	
)	
Attention: Mr. James V. Johnson/President)	

NOTICE OF VIOLATION

Released: February 18, 2004

By the Resident Agent, Buffalo Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Banjo Communications Group, Inc., licensee of radio station WCHN.

2. On November 5 and 6, 2003, an agent of the Commission's Buffalo Office inspected radio station WCHN located in Norwich, New York, and observed the following violation(s):

- a. 47 C.F.R. § 73.49: "Antenna towers having radio frequency potential at the base (series fed, folded unipole, and insulated base antennas) must be enclosed within effective locked fences or other enclosures." The fence enclosing antenna tower #31036444, WCHN, has heaved and/or the soil under the fence has eroded over time, leaving a space between the bottom of the fence and the ground allowing unimpeded access to the live tower.
- b. 47 C.F.R. §73.1560 (a)(1). "Except as provided for in paragraph (d) of this section, the antenna input power of an AM station as determined by the procedures specified in § 73.51 must be maintained as near as practicable to the authorized antenna input power and may not be less than 90% nor more than 105% of the authorized power." The agent observed the following power measurements for WCHN:

	<u>POWER</u>		
<u>Date</u>	<u>Authorized</u>	<u>Measured</u>	<u>% Authorized</u>

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

November 5, 2003 (10:25 pm)	34 watts	535 watts	1574%
November 6, 2003 (9:21 am)	1000 watts	535 watts	53%

- c. 47 C.F.R. §73.1560(a)(2). “Whenever the transmitter of an AM station cannot be placed into the specific operating mode at the time required, transmissions of the station must be immediately terminated.” On November 5, 2003, 10:25pm, station WCHN was operating at 534 watts, (1574%) of the authorized power of 34 watts, and was operating at 534 watts, (53.4%) of authorized power of 1000 watts, when measured on November 6, 2003 at 9:21am. WCHN did not terminate operation during the nighttime hours and continued to operate at 1574% of the authorized nighttime power.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Banjo Communications Group 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
Room 1307 Federal Building
111 W. Huron Street
Buffalo, New York 14202

4. This Notice shall be sent to Banjo Communications Group, Inc; 36 Chestnut Street; Oneonta, New York 13820.

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

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.*

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
Resident Agent
Buffalo Office