

Federal Communications Commission

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

In the Matter of

WCSR, Inc.)
Licensee of Radio Stations WCSR/WCSR-FM)
Facility ID #71298 and 71299)
Hillsdale, Michigan)

File No. EB-04-DT-061
NOV No. V20043236012

NOTICE OF VIOLATION

Released: March 2, 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 Rules¹, to WCSR, Inc., licensee of radio stations WCSR/WCSR-FM ("WCSR").

2. On February 5, 2004, an agent of the Commission's Detroit Office inspected radio station WCSR, licensed to Hillsdale, Michigan, and observed the following violations:

a. 47 C.F.R. § 11.35(a): "Equipment operational readiness...Broadcast stations...are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, broadcast stations...must determine the cause of any failure to receive the required tests or activations 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 of this chapter,...indicating reasons why any tests were not received." There were no entries made in the station logs indicating why EAS weekly receive tests were missing for the time period September 28, 2003 to January 31, 2004.

b. 47 C.F.R. § 11.61 (a)(1)(v): "Tests of EAS procedures...Required Monthly Tests...these monthly tests must be transmitted within 60 minutes of receipt by broadcast stations...in an EAS Local Area or State..." During the months of October and December 2003, no monthly tests were sent.

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 January 2004, no weekly EAS tests were sent.

¹ 47 C.F.R. § 1.89

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d. 47 C.F.R. § 73.1820(a)(1)(iii): “Station Log. Entries must be made in the station log...An entry of each test and activation of the Emergency Alert System (EAS)...” During the period September 28, 2003 through January 31, 2004, there were missing EAS receive tests.

e. 47 C.F.R. § 73.1870(b)(3): “Chief operators. 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 inspection, there was no written designation of the chief operator available.

f. 47 C.F.R. § 73.1870(c)(3): “Chief operators...The chief operator is responsible for completion of the following duties specified in this paragraph below. When the duties are delegated to other persons, the chief operator shall maintain supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner...Review of the station records at least once each week to determine if required entries are being made correctly...Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive...” During the period September 28, 2003 through January 31, 2004, there was no review of the station logs by the chief operator.

g. 47 C.F.R. § 73.3526(e)(5): “Local public inspection file of commercial stations...Contents of the file. The material 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, together with any statements filed with the FCC certifying that the current report is accurate and together with all related material. These materials shall be retained until a new, complete ownership report is filed with the FCC, at which time a copy of the new report and any related materials shall be placed in the file...” At the time of inspection, there was no ownership report in the public inspection file.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended², and Section 1.89 of the Commission's Rules, WCSR, 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:

² 47 U.S.C. § 308(b)

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Detroit Office
24897 Hathaway Street
Farmington Hills, MI 48335-1552

4. This Notice shall be sent to WCSR, Inc., 170 North West Street, Box 273, Hillsdale, Michigan 49242.

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 your 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

JAB:PRB

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3)

⁴ 18 U.S.C. § 1001 *et seq*