

Federal Communications Commission

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

In the Matter of)	
)	
Hull Broadcasting, Inc.)	File No. EB-04-KC-053
FM Broadcast Station KBGL)	NOV No. V20043256003
Larned, Kansas)	
)	

NOTICE OF VIOLATION

Released: April 16, 2004

By the District Director, Kansas City Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Hull Broadcasting, Inc.

2. On April 8, 2004, an agent of the Commission's Kansas City Office inspected FM Broadcast radio station KBGL, located at Larned, Kansas and observed the following violations:

- a. 47 C.F.R. § 11.35(a): Broadcast stations are responsible for ensuring that EAS encoders, EAS Decoders and Attentions 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 are in operation.

At the time of inspection station KBGL, owned by Hull Broadcasting, Inc was co-located in combined studio facilities with three stations owned by Eagle Radio, Inc. All four stations utilized a single EAS unit, owned by Eagle Radio, Inc. for both receiving and transmitting EAS activations. According to 47 C.F.R. § 11.51(j): Broadcast stations that are co-owned and co-located with a combined studio or control facility, may provide the EAS transmitting requirements contained in this section for the combined stations. Since KBGL is not co-owned, then Hull Broadcasting, Inc. is required to maintain their own EAS equipment.

- b. 47 C.F.R. §73.3526(e)(12): Commercial broadcast stations, are to compile and file every three months a list of programs that have provided the station's most

¹ 47 C.F.R. § 1.89.

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significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter. The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of the program in which the issue was treated.

At the time of inspection the last issues-programs listing found in the public file for KBGL was dated October 23, 2001.

- c. 47 C.F.R. §73.3526(e)(14): For commercial radio and television stations, a copy of every agreement or contract involving time brokerage of the licensee's station or of another station by the licensee, whether the agreement involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate, is to be placed in the public file of the station.

At the time of inspection Hull Broadcasting, Inc. had a current agreement with Eagle Radio, Inc. (Eagle) whereby Eagle was providing 100% of the programming aired on KBGL. However, the agreement was not found upon inspection of the public file for KBGL. The document was faxed to the station after the FCC inspector brought this to the attention of the station's general manager. The licensee shall provide a copy of that agreement as part of the response to this item.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Hull Broadcasting, 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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Kansas City Office
520 NE Colbern Road
Second Floor
Lee's Summit, MO. 64086-4711

4. This Notice shall be sent to Hull Broadcasting, Inc., P.O. Box 6, Hays, KS 67601.

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

Ronald D. Ramage
Senior Agent
FCC/EB/Kansas City Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*