

Federal Communications Commission

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

In the Matter of)	
)	
Cedar Creek Radio Company, Inc.)	File No. EB-04-DL-003
)	
Licensee of KCKL(FM) in Malakoff, TX)	
Facility ID #9715)	NOV No. V20043250003
)	
Malakoff, Texas)	

NOTICE OF VIOLATION

Released: April 26, 2004

By the District Director, Dallas Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Cedar Creek Radio Company, Inc., licensee of station KCKL(FM) in Malakoff, Texas.

2. On December 17, 2003, an agent of the Commission's Dallas Office inspected FM broadcast station KCKL, licensed to Malakoff, Texas, and observed the following violations:

a) 47 C.F.R. § 11.52(d): "Broadcast stations and cable systems and wireless cable systems must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook." During calendar year 2003, there were no weeks in which the station logs of station KCKL(FM) contained more than one entry of the reception of a weekly and/or monthly EAS test.

b) 47 C.F.R. § 73.1800(a): "The licensee of each station must maintain a station log as required by §73.1820. . . . All entries, whether required or not by the provisions of this part, must accurately reflect the station operation." The automatically printed EAS logs of station KCKL(FM) contained times and Julian calendar dates of EAS tests reception that did not accurately reflect the times and dates that the tests were actually received. Additionally, Cedar Creek Radio Company, Inc. faxed correspondence to the FCC's Dallas Office on April 14, 2004 which indicated that it was their belief that handwritten entries had been made in the station log of KCKL(FM) during calendar year 2003 which did not accurately reflect the reception of EAS tests by the station.

c) 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

¹ 47 C.F.R. § 1.89

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the period from January 5, 2003 through September 27, 2003, there were only four entries of reception of weekly and/or monthly EAS tests.

d) 47 C.F.R. § 73.1820(b)(4): “In the event of failure or malfunction of the automatic equipment [to record entries in the station log], the person designated by the licensee as being responsible for the log s[h]all make the required entries in the log manually at that time.” Entries in the EAS logs of station KCKL(FM) dated February 12, March 4, and May 11, 2003 indicated failure or malfunctioning of the printer that station KCKL utilized for automatic EAS logging; however, station KCKL failed to manually make entries of EAS tests received at those times.

e) 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.” A review of the available logs for calendar year 2003 indicated there were repetitive violations which continued until the time of the inspection (December 17, 2003) with no apparent corrective action. Station KCKL(FM) failed to have the station’s chief operator or his designee properly review, date and sign the station log at least once each week to determine if required entries are being made correctly.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Cedar Creek Radio Company, 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
Dallas Office
9330 LBJ Freeway, #1170
Dallas, Texas 75243

4. Failure to respond to this Notice constitutes a separate violation that could result in additional penalties, including monetary forfeiture.

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

² 47 U.S.C. 308(b)

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3)

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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

6. This Notice shall be sent to Cedar Creek Radio Company, Inc., P.O. Box 489, Malakoff, Texas 75148.

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James D. Wells
District Director
Dallas Office

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⁴ 18 U.S.C. § 1001 *et seq*