



FEDERAL COMMUNICATIONS COMMISSION  
Enforcement Bureau  
Investigations and Hearings Division  
445 12<sup>th</sup> Street, S.W., Suite 4-C330  
Washington, D.C. 20554

January 4, 2017

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**BY FACSIMILE AT (716) 852-9390 AND BY EMAIL TO**  
**RICH.CHIAINO@TOWNSQUAREMEDIA.COM**

Mr. Rich Chiaino, General Manager  
Townsquare Media of Buffalo, Inc.  
14 Lafayette Square, Suite 1200  
Buffalo, New York 14203-1912

**Re: EB File No. EB-IHD-16-00022864**  
**Station WBLK(FM), Depew, New York, FID 71215**

Dear Mr. Chiaino:

The Enforcement Bureau is investigating potential violations of Section 325(a) of the Communications Act of 1934, as amended (Act), and Section 11.45 of the Commission's rules (Rules)<sup>1</sup> related to the proper use of the Emergency Alert System (EAS). Specifically, the enclosed complaint alleges that, on November 11, 2015, at approximately 12:54 p.m., Townsquare Media of Buffalo, Inc., licensee of Station WBLK(FM), Depew, New York, aired actual or simulated EAS tones in a promotion for Colosseum Jewelry, absent an actual emergency or authorized EAS test (Promotion).<sup>2</sup> Accordingly, we direct Townsquare Media of Buffalo, Inc. (TMB), pursuant to Sections 4(i), 4(j), 308(b), and 403 of the Act,<sup>3</sup> to provide the information and documents requested herein within **thirty (30) calendar days** after the date of this letter of inquiry (LOI).

Section 11.45 of the Rules prohibits false or deceptive EAS transmissions. It specifies that "[n]o person may transmit or cause to transmit the EAS codes or Attention Signal, or a recording or simulation thereof, in any circumstance other than in an actual National, State or Local Area emergency or authorized test of the EAS."<sup>4</sup> Misconduct under this rule also constitutes a false distress communication under Section 325(a) of the Communications Act.<sup>5</sup>

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<sup>1</sup> 47 U.S.C. § 325(a); 47 CFR § 11.45.

<sup>2</sup> See Complaint (submitted November 11, 2015) (on file in EB-IHD-16-00022864) (Complaint). Though the Complaint alleges the commercial is for "Collesium jewelry," research suggests that the correct name of the advertised business is "Colosseum Jewelry."

<sup>3</sup> 47 U.S.C. §§ 154(i), 154(j), 308(b), 403.

<sup>4</sup> 47 CFR § 11.45.

<sup>5</sup> 47 U.S.C. § 325(a) ("No person within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signals of distress, or communication relating thereto . . ."). See *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Report and Order and Further Notice of Proposed Rule Making, 10 FCC Rcd 1786, 1815, para. 84 (1994); see also, e.g., *Turner Broad. Sys., Inc.*, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 15455 (EB 2013) (forfeiture paid).

Townsquare Media of Buffalo, Inc.

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This LOI constitutes an order of the Commission to produce the documents and information requested herein.<sup>6</sup> To knowingly and willfully make any false statement, or to provide incorrect or misleading material factual information or conceal any material fact in reply to this letter is punishable by fine or imprisonment.<sup>7</sup> **Failure to respond appropriately to this LOI constitutes a violation of the Act and our Rules.**<sup>8</sup>

The Attachment to this letter includes filing requirements, instructions for your response, and definitions for certain terms used in this LOI. Requests for confidential treatment or claims of attorney-client privilege or attorney work product must strictly meet the requirements stated in the attached instructions.

If the Enforcement Bureau determines that TMB has acted in violation of the Act and/or Rules, the continued noncompliant conduct after receipt of this LOI may subject TMB to additional penalties.

If you have any questions about this matter, please contact Jennifer Lewis Hershman, Attorney Advisor, at (202) 418-2051 or [jennifer.lewis@fcc.gov](mailto:jennifer.lewis@fcc.gov).

Sincerely,



Matthew L. Conaty  
Deputy Chief  
Investigations and Hearings Division  
Enforcement Bureau

Attachment  
Enclosure

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<sup>6</sup> See 47 U.S.C. § 155(c)(3).

<sup>7</sup> See 18 U.S.C. § 1001; see also 47 CFR § 1.17.

<sup>8</sup> See 47 U.S.C. § 503(b)(1)(B); see also *Net One Int'l, Net One, LLC, Farrahtel Int'l, LLC*, Forfeiture Order, 29 FCC Rcd 264, 267, para. 9 (EB 2014) (imposing a \$25,000 penalty for failure to respond to LOI); *Conexions, LLC d/b/a Conexion Wireless*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 15318, 15325, para. 22 (2013) (proposing a \$300,000 forfeiture for failure to provide timely and complete responses to an LOI); *Technical Comm'n Network, LLC*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 1018, 1020, para. 8 (EB 2013) (proposing a \$25,000 forfeiture for failure to provide a complete response to an LOI); *SBC Commc'ns, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7600, para. 28 (2002) (imposing \$100,000 penalty for failing to submit a sworn written response).

**ATTACHMENT**

**Inquiries: Information and Documents to be Provided**

You must provide the following information and documents as requested below, and in accordance with the Instructions and Definitions below.

Unless otherwise indicated, the time covered by these inquiries is January 1, 2015, to the present.

**Requests for Information**

1. Describe the business structure of TMB, including form, date, and location of incorporation. Identify all parent and affiliate companies of TMB and explain their relationship with TMB.<sup>9</sup>
2. Provide the FCC Registration Numbers of TMB and any parent and affiliate companies of TMB.
3. List any licenses, permits, certificates, or other authorizations issued by the Commission to TMB and/or held by any parent or affiliate companies of TMB.
4. State the name, title, and/or identification code of the Promotion<sup>10</sup> described in the Complaint. Did the Company Transmit this Promotion or cause it to be Transmitted? If so:
  - (a) State the name of all Stations on which the Company Transmitted or caused to be Transmitted this Promotion and provide dates and times of all such Transmissions.
  - (b) For each discrete date and time of Transmission specified in response to Inquiry 4(a), specify the audience size of each Station that Transmitted the Promotion at the time the Promotion was Transmitted.
  - (c) For each discrete date and time specified in response to Inquiry 4(a), specify the identity and format of the programming that each Station Transmitted proximate to the Promotion.
  - (d) Describe the process TMB used to insert the Promotion into the programming and Identify the entities and/or individuals involved in that process.
5. For each discrete date and time of Transmission specified in response to Inquiry 4(a), state whether TMB Transmitted or caused to be Transmitted any portion of the EAS Tones as part of, in connection with, or proximate to the Promotion TMB Transmitted or caused to be Transmitted.
6. For each discrete date and time of Transmission specified in response to Inquiry 4(a) meeting the criteria delineated in Inquiry 5, state whether TMB Transmitted or caused to be Transmitted the Promotion in connection with an actual national, state or local emergency or authorized test of the EAS. If so:
  - (a) Describe the nature of the national, state or local emergency or authorized test of the EAS.
  - (b) State whether any emergency response was made by federal, state, or local law enforcement or other public health and safety authorities as a result of such Transmission.If not, describe the nature of the Promotion and explain the purpose for using such EAS Tones.
7. For each discrete date and time specified in response to Inquiry 4(a) meeting the criteria delineated in Inquiry 5, do the EAS Tones used in each Promotion differ from the authorized

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<sup>9</sup> In responding to this inquiry, note the definition of the term "Identify" when used in reference to an entity other than a person in the Instructions to this letter.

<sup>10</sup> In responding to this inquiry, note the definition of the term "Promotion" in the Instructions to this letter.

- sounds, tones, or codes used in Transmissions specified under the State EAS plans in those markets in which TMB Stations operate? If so, explain how.
8. Does the Company have a policy prohibiting the improper Transmission of EAS Tones? If so:
    - (a) Fully describe this policy, including any terms and conditions of applicability.
    - (b) Specify how and to whom such policy is disseminated.
    - (c) Indicate whether entities that provide programming to TMB are required to adhere to such policy.
    - (d) Provide all relevant documents in support.If not:
    - (e) Explain why no such policy exists.
    - (f) Identify and fully describe any applicable practices or procedures concerning the suspected or actual improper Transmission of EAS Tones.
  9. Did any Company employee, contractor, representative, or agent act to curtail or prevent Transmission(s) of the Promotion? If so, Identify each such Individual, explain what prompted such actions, and describe all actions taken and when.
  10. Did the Company discipline any employee, contractor, representative, agent, programmer, supplier, or other entity in connection with or pursuant to the Transmission(s) of the Promotion specified in response to Inquiry 4(a)? If so, describe any such disciplinary action(s). If not, explain why the Company did not do so.
  11. Does the Company maintain any policies, processes or procedures for evaluating or assessing the content of commercials, promotions, or advertisements, prior to Transmitting them, for compliance with local, state, and/or federal law? If so:
    - (a) Describe each such policy, process, or procedure, including the step(s) the Company takes if the content of a commercial, promotion, or advertisement is deemed to be out of compliance with local, state, and/or federal law.
    - (b) Specify whether any such policy, process, or procedure was applied to the Promotion and, if so, Identify the individual(s) involved in or responsible for such application and indicate the outcome thereof.
  12. Has TMB received inquiries, complaints, or reports in any form (e.g., oral, written, electronic, or telephonic) related to the Promotion and/or use of EAS Tones for non-emergencies? If so, provide full details of each such inquiry, complaint, or report including, as applicable, date of authorship, date received, a description of its contents, and contact information of the originator, complainant, or author; state what action(s) TMB has taken or intends to take in response to each such inquiry, complaint, or report, if any; and provide all relevant documents in support.
  13. Identify all individuals or entities that created, produced, or distributed the Promotion specified in response to Inquiry 4. If the individuals or entities that created, produced, or distributed the Promotion were not agents of the Company:
    - (a) Identify the individuals and/or entities involved (Associated Companies).
    - (b) Describe the manner in which the Promotion was transmitted or otherwise provided to the Company and specify the date on which the Company received it.
  14. Describe the business relationships between and among TMB and all Associated Companies specified in response to Inquiry 12. Your description must identify all functions or services each

Associated Company performs and the entity for whom it performs such functions or services (e.g., an intermediate holding company that performs no functions; a concern that holds or manages assets such as leased office space; or a corporation that is a contracting party, performs or is for responsible organizational functions for affiliates, oversees finances such as keeping accounts, serves as the named entity on bank accounts, performs billing and collection, provides management functions, etc.). The Company's response must specifically state whether the Company or any of its owners or management (including managers, members, officers, or directors) have at any time had any relationship with these Associated Companies. For any identified relationship:

- (a) Explain the nature of and relevant dates associated with the relationship.
- (b) Identify any shared or common owners, officers, directors, members, managers, trustees, employees, consultants, contractors, or other shared position between the Company and any Associated Company or any person holding a direct or indirect ownership interest in both the Company and any Associated Company.
- (c) Describe any physical or virtual facilities (e.g., office space, phone numbers, or servers) that the Company shares with Associated Companies.
- (d) List and describe any contracts agreements, or other business arrangements of any sort (e.g., joint ventures, technology sharing agreements, strategic partnerships) between and among the Company and any of the Associated Companies.
- (e) Describe any shared financial assets and obligations, including but not limited to banking and credit accounts, instruments of indebtedness, and tax filings.

15. For each Associated Company:

- (a) Specify its address and state of incorporation and/or organization.
- (b) Specify the state(s) in which it is authorized to conduct business.
- (c) List each trade name, fictitious names, "doing business as," or any other name it has used or currently uses to conduct business, and identify each company using such trade names, "doing business as," or other names.
- (d) Identify the persons responsible for incorporating or otherwise creating it and the relationship of such persons to the Associated Company they incorporated or otherwise created (e.g., ownership interest, member, board member, officer, etc.).
- (e) Describe of the nature of and relevant dates associated with the relationship between the Associated Company and TMB. If the relationship comprises a transaction or series of transactions, specify the transactions and the date(s) or date range of such transaction(s).
- (f) For each of the last four calendar years before the date of this LOI, state whether it filed consolidated Federal tax returns and, if so, identify which companies did so and (a) specify the name (filer name) under which each consolidated return was filed and (b) the calendar year of filing and tax year of each such consolidated return. If the consolidated Federal tax return was filed on its behalf by an entity that is not one of the Associated Companies, describe the relationship (business and otherwise) between and among the filer and the companies on whose behalf the consolidated Federal tax return was filed.
- (g) For each of the last four calendar years before the date of this LOI, state whether it filed Federal tax returns (other than consolidated returns) in its own name and, if so, specify the calendar year of filing and tax year of each such return.
- (h) For each of the last four calendar years before the date of this LOI, state whether it did not

file a Federal file tax return in its own name (other than those specified above as part of a consolidated return). For each such calendar year, fully describe the reasons for failing to file (e.g., the company was incorporated within the current tax filing year).

- (i) Describe all physical or virtual facilities (e.g., office space) and tangible or intangible assets (e.g., phone numbers, toll-free numbers, computers, computer servers, back office systems, IT systems, billing systems or outsourced billing, contracts where one or more companies are the contracting parties or are beneficiaries of or receive benefits from a contract entered into by a parent company or sister or affiliate company) that it shares with one or more of the Associated Companies. Include the address and telephone number of any such facility and the location of any such asset.
16. List and describe any shared financial assets and obligations, including banking and credit accounts and instruments of indebtedness, between and among the Associated Companies.
17. List and describe all contracts or other business arrangements (e.g., joint ventures, technology sharing agreements, strategic partnerships) between and among the Associated Companies.
18. Did the Company review the Promotion specified in response to Inquiry 4 before Transmitting it or causing it to be Transmitted? If so:
  - (a) Identify the individuals who conducted such review.
  - (b) Specify the form and nature of such review, including its overall scope and duration.
  - (c) Explain what action(s) the Company took upon completing such review.
  - (d) Provide all documents in support.If no review was performed, explain why the Company did not do so.
19. Did the Company enter into any agreement, arrangement, or understanding, whether for monetary consideration or otherwise, with any entity that created, produced, or in any way facilitated or commissioned the creation or production the Promotion? If so:
  - (a) Identify the parties to each such agreement, arrangement, or understanding.
  - (b) Describe each such agreement, arrangement, or understanding, including effective dates, key terms, and consideration.
  - (c) Provide all documents in support.
20. If the Company believes that the Promotion specified in response to Inquiry 4 was permissible, explain why, providing citation to relevant authority, if applicable.
21. Identify any factual errors in the enclosed Complaint. For each such error identified, describe specifically and in detail why you believe the factual allegation is incorrect.
22. Provide a description by category and location of all Documents and tangible things that the Company has in its possession, custody, or control that are responsive to the Inquiries herein.

### **Requests for Documents**

23. Provide copies of all Documents that serve as the basis for or otherwise support the responses to all the Inquiries above, to the extent not already provided.

24. Provide a recording<sup>11</sup> and transcript of the Transmission(s) of the Promotion.
25. To the extent not otherwise provided in response to the preceding Inquiries, provide any additional information that the Company believes may be helpful in our consideration and resolution of this matter.

### **Filing Requirements**

***Affidavit Requirement.*** We direct the Company to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Company with personal knowledge of the representations provided in the Company's response. The affidavit or declaration must verify the truth and accuracy of the information therein, state that all of the information requested by this letter that is in the Company's possession, custody, control, or knowledge has been produced, and state that any and all documents provided in its responses are true and accurate copies of the original documents. In addition to such general affidavit or declaration of the authorized officer of the Company described above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual rather than his or her own knowledge, and if multiple Company employees contribute to the response, the Company shall provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with Section 1.16 of the Rules<sup>12</sup> and be substantially in the form set forth therein. Failure to support your responses with a sworn affidavit could subject you to forfeiture.<sup>13</sup>

***Delivery Requirements.*** The Company shall send its response by hand or messenger delivery, by commercial overnight courier, or by First-Class or overnight U.S. Postal Service mail.

*If sent by messenger or hand delivery,* the Company should direct its response to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554, to the attention of Jennifer Lewis Hershman, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-A325, Federal Communications Commission, with a second copy included in the delivery to Kenneth M. Scheibel, Jr., Assistant Chief, Investigations and Hearings Division.<sup>14</sup>

*If sent by commercial overnight mail* (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the attention of Jennifer Lewis Hershman, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743, with a second copy included in the mailing to Kenneth M. Scheibel, Jr., Assistant Chief, Investigations and Hearings Division.

*If sent by first-class, Express, or Priority Mail,* the response should be sent to Jennifer Lewis Hershman, Attorney Advisor, Investigations and Hearings Division,, Enforcement Bureau, Federal

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<sup>11</sup> In particular, provide a compact disc (CD-R) of the complained-of material. Each CD-R should be labeled with the case number, program name, Promotion name, title, and/or identification code, and broadcast date.

<sup>12</sup> See 47 CFR § 1.16.

<sup>13</sup> *SBC Commc'ns, Inc.*, 17 FCC Rcd at 7600, para. 28 (2002) (imposing \$100,000 penalty for failing to submit a sworn written response).

<sup>14</sup> Originals and any copies of the response submitted via hand delivery or messenger must be held together with rubber bands or fasteners and must be submitted without envelopes. See *FCC Announces Change in Filing Locations for Paper Documents*, Public Notice, 24 FCC Rcd 14312 (2009).

Communications Commission, 445 12<sup>th</sup> Street, SW, Room 4-A325, Washington, DC 20554, with a second copy included in the mailing to Kenneth M. Scheibel, Jr., Assistant Chief, Investigations and Hearings Division.

*Electronic Copy.* The Company shall also transmit a copy of the response via email to Jennifer.Lewis@fcc.gov and Kenneth.Scheibel@fcc.gov. The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source.

### **Instructions**

*Request for Confidential Treatment.* In addition to providing the requested information and documents, any request for confidentiality of certain information or documents must strictly comply with the requirements of 47 CFR § 0.459, including a statement of the reasons for withholding the materials from inspection. The request must include a schedule of the information or documents for which confidentiality is requested that states, individually as to each such item, the information required by Section 0.459(b) of the Rules including, but not limited to, identifying the specific information for which confidential treatment is sought; explaining the degree to which the information is commercial or financial or contains a trade secret or is privileged; and explaining how disclosure of the information could result in substantial competitive harm.<sup>15</sup> Accordingly, a "blanket" request for confidentiality or a casual request, including simply stamping pages "confidential," will not be considered a proper request for confidentiality, and those materials will not be treated as confidential.<sup>16</sup>

*Claims of Privilege.* If the Company withholds any information or documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states individually as to each such item: the numbered Inquiry to which each item responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific grounds for claiming that the item is privileged.

*Format of Responses.* The response must be organized in the same manner as the questions asked, i.e., the response to Inquiry 1 should be labeled as responsive to Inquiry 1.

*Method of Producing Documents.* The Company shall submit each requested document in its entirety, even if only a portion of that document is responsive to an inquiry made herein, including all appendices, tables, or other attachments, and all other documents referred to in the document or attachments. The Company shall not edit, cut, expunge, or otherwise take any action to modify any document submitted in response to this LOI. In addition to any document the Company submits in response to any inquiry, the Company shall also submit all written materials necessary to understand any document responsive to these inquiries.

*Identification of Documents.* For each document or statement submitted in response to the inquiries stated in the cover letter, indicate, by number, to which inquiry it is responsive and identify the persons from whose files the document was retrieved. If any document is not dated, state the date on which it was prepared. If any document does not identify its authors or recipients, state, if known, the names of the authors or recipients. The Company must identify with reasonable specificity all documents provided in response to these inquiries.

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<sup>15</sup> See 47 CFR § 0.459(b).

<sup>16</sup> See *id.* § 0.459(c).

***Documents Already Provided.*** If a document responsive to any inquiry made herein has already been provided to the Enforcement Bureau during this or any other investigation, identify each such document, when and how it was produced to the Bureau, and specify the Bates-number range for the document.

***Documents No Longer Available.*** If a document responsive to any Inquiry made herein existed but is no longer available, or if the Company is unable for any reason to produce a document responsive to any Inquiry, identify each such document by author, recipient, date, title, and specific subject matter, and explain fully why the document is no longer available or why the Company is otherwise unable to produce it.

***Retention of Original Documents.*** With respect only to documents responsive to the specific Inquiries made herein and any other documents relevant to those Inquiries, the Company is directed to retain the originals of those documents for 60 months from the date of this letter unless (a) the Company is directed or informed by the Enforcement Bureau in writing to retain such documents for some shorter or longer period of time, or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, the Company must retain all such documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any enforcement action brought by the United States Department of Justice, or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

***Continuing Nature of Inquiries.*** The specific Inquiries made herein are continuing in nature. The Company is required to produce in the future any and all documents and information that are responsive to the Inquiries made herein but not initially produced at the time, date, and place specified herein. In this regard, the Company must supplement its responses (a) if the Company learns that, in some material respect, the documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive documents or information are acquired by or become known to the Company after the initial production. The requirement to update the record will continue for forty-eight months from the date of this letter unless (a) the Company is directed or informed by the Enforcement Bureau in writing that the Company's obligation to update the record will continue for some shorter or longer period of time, or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the matter has been finally concluded by payment of any such monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any enforcement action brought by the United States Department of Justice, or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

***Construction.*** The terms "any" and "all," "and" and "or," and "each" and "every" shall be construed inclusively to bring within the scope of the requests for information and documents all information and documents that might otherwise arguably be construed as outside the scope of the requests. Likewise, the singular of any word or defined term shall include the plural and the plural of any such word or defined term shall include the singular. The words "relating to" or "relate to" shall be construed to mean, whether directly or indirectly, in whole or in part constituting, containing, concerning, discussing, describing, analyzing, identifying, supporting, qualifying, confirming, contradicting, or stating.

## **Definitions**

For purposes of this LOI, the following definitions apply. The definitions in this section apply regardless of whether the first letter of the defined term appears in upper or lower case.

“TMB” or “Company” shall mean Townsquare Media of Buffalo, Inc. and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners including, but not limited to, partners or principals and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this LOI. Although this LOI refers to TMB to collectively include each person or entity listed in this definition, any responses must specifically detail and distinguish between the actions or responsibilities of each entity.

“Document” shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, electronically-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made.

“EAS Tones” shall mean Emergency Alert System codes or the Attention Signal, as described in Section 11.31(a) of the Rules, or recordings or simulations thereof.

“Identify,” when used with reference to a person, shall mean to state his or her full legal name, job title (if any), current business address, business phone number, and e-mail address. If business address or telephone number are not available, state the person’s home address and telephone number.

“Identify,” when used with reference to a Document, shall mean to state its date, author, and addressee, and type (i.e., the types of document, as described above); a brief description of its subject matter; its present or last known location; and its custodian.

“Identify,” when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, current or last known business telephone number, and e-mail address.

“Promotion” shall mean any material Transmitted by TMB or on or about November 11, 2015, at approximately 12:54 p.m., containing actual or simulated EAS Tones in material as described in the Complaint on file in case EB-IHD-16-00022864.

“Station” shall mean any broadcast facility licensed to TMB, including, but not limited to, WBLK(FM), Depew, New York, and any station to which TMB provides programming under a local marketing agreement, time brokerage agreement, or any other shared services agreement.

“Transmission,” when used as a noun, shall mean images or sounds or language transmitted or disseminated over a broadcast radio system during the course of a broadcast radio communication.

“Transmit,” when used as a verb, shall mean to send electronically any visual or audible sounds to listeners of a broadcast radio system.

**#650240 Advertisement using the emergency alert system tones**

**Submitted** November 11, 2015, 1:12 PM  
**Received via** Web Form  
**Requester** [REDACTED]

**Status** New  
**Type** -  
**Priority** -  
**Group** EB  
**Assignee** -

**Radio Method** Broadcast  
**Radio Issues** Commercials/Promotions  
**First Name** [REDACTED]  
**Last Name** [REDACTED]  
**State** New York  
**Zip Code** 14206

**Time of Issue** 12:54 pm  
**Date of Issue** November 11, 2015  
**Name of program or DJ** Normal programming

**Phone (where you can be contacted)** [REDACTED]  
**City Where Program was Viewed/Heard** Buffalo

**Name of Radio Company** 93.7 WBLK  
**State Where Program was Viewed/Heard** New York

**Address 1** [REDACTED]  
**City** [REDACTED]  
**Filing on Behalf of Someone**

**Depewfd418** November 11, 2015, 1:12 PM

WBLK in Buffalo NY used the emergency Alert system tones in a commercial for Collesium jewelry at approx 1254 on 11/11/15. As a emergency responder this is absolutely disgusting and irresponsible.

[REDACTED]  
 [REDACTED]  
 Internal note

Support Software by Zendesk