



FEDERAL COMMUNICATIONS COMMISSION
Field Operations Bureau
165 South Union Boulevard - Suite 860
Lakewood, Colorado 80228
(303) 969-6497

May 5, 1992

CERTIFIED MAIL NO. 1433325
RETURN RECEIPT REQUESTED

University of Southern Colorado
Radio Station KTSC-FM
2200 Bonforte Blvd.
Pueblo, CO 81001

Re: Case #DV-92-1162
SEQ #3153402-92041

Gentlemen:

You are apparently liable for a forfeiture of \$8500 for repeated violations of the Commission's Rules and Regulations. On April 30, 1992, an inspection of Station KTSC-FM, Pueblo, Colorado, by a member of the Denver Office of the Commission's Field Operations Bureau indicated that the station operated in violation of the Commission's Rules as follows:

1. SECTION 73.961(c) - Tests of the Emergency Broadcast System Procedures:

The required weekly EBS tests were not conducted for the following weeks:

February 9, 1992
March 22, 1992
April 5, 1992
April 12, 1992

\$5000

2. SECTION 73.1820(a)(1)(iii) - Station Log:

Review of station logs showed no entries of EBS tests received for the weeks of:

February 16, 1992
February 23, 1992
March 8, 1992
March 22, 1992
March 29, 1992
April 5, 1992
April 19, 1992

\$2500

3. SECTION 73.3527(a) - Local Public Inspection File of Non-Commercial Educational Stations:

The complete public inspection file was not made available upon request during routine business hours. The following item was missing: The Quarterly Issues-Programs Lists for the term of the license (since April 1990).

\$1000

The above forfeiture amounts were determined in accordance with the FCC Policy Statement of August 1, 1991, in the matter of Standards for Assessing Forfeitures.

Your \$8500 is due by **June 5, 1992**. Payment should be made by check or money order drawn payable to the Federal Communications Commission. Place the sequential number on your remittance and submit to the following address:

FEDERAL COMMUNICATIONS COMMISSION
P. O. Box 73482
Chicago, IL 60673-7482

Pursuant to Section 503(b) of the Communications Act of 1934, as amended, you are granted an opportunity to show, in writing, why the forfeiture should be reduced or not imposed. Upon receipt, we will consider all facts before us in making a final determination. Your showing must be at the FCC Denver field office by **June 5, 1992**.

The following violations were also observed at the time of inspection. Even though no monetary liability is being imposed for these violations, correction is required.

4. SECTION 73.908 - EBS Checklist:

A copy of the appropriate EBS Checklist was not available to responsible broadcast station personnel at the time of inspection. The appropriate list may be obtained by contacting the FCC's Emergency Broadcasting System (EBS) Office in Washington, DC, at (202) 632-3906.

5. SECTION 73.961.(c) - Tests of the Emergency Broadcast System Procedures:

Review of station logs reveals that EBS tests are not being conducted in the manner required. Weekly EBS tests should be made at random times on random days a minimum of once a week between the hours of 8:30 a.m. local time and local sunset. Several tests were conducted at 6:32am.

6. SECTION 73.1230(b) - Posting of Station and Operator Licenses:

An operator license was not posted for the following individuals: Michael A. Fields. A copy of Mr. Field's license was posted. Additionally, several expired temporary licenses were posted for operators. All original operator licenses must be posted.

7. SECTION 73.1870(c) - Chief Operators:

Review of the station logs revealed that the chief operator or other delegated person had not reviewed the station records at least once each week as required.

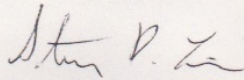
You must provide substantial evidence in writing that ALL violations listed (including those for which no liability was imposed) have been corrected including what you have done to prevent recurrence of the violations. You are required to have your reply at our office by **June 5, 1992**. Corrective measures taken will not affect mitigation of the apparent liability. Do not postpone your reply due to repair delays. If necessary, provide an additional reply upon completion of all repairs.

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Radio Station KTSC-FM

It is a broadcast station licensee's obligation to develop and maintain adequate procedures for ensuring proper station operation at all times. The term "repeated", means the commission or omission of an act on more than one day.

Failure to correct listed violations may result in additional monetary forfeiture or license revocation. Failure to reply to this Notice may also result in additional monetary forfeiture.

Sincerely yours,



^(S) ROBERT D. WELLER
Engineer-in-Charge

Enclosure

Advanced Copies:
M&LAB Branch/ENF Div/FOB
Fiscal Acctg Section/FMD

LC/kk



UNIVERSITY OF SOUTHERN COLORADO

COLLEGE OF LIBERAL AND FINE ARTS

2200 Bonforte Boulevard
Pueblo, Colorado 81001 - 4901
719 549-2835 - 549-2103

Mr. Robert D. Weller
Engineer-in-Charge
Federal Communications Commission
Field Operations Bureau
165 South Union Boulevard - Suite 860
Lakewood, Colorado 80228

May 18, 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Case #DV-92-1162
SEQ #3153402-92041

Dear Mr. Weller:

On behalf of the University of Southern Colorado, licensee for the non-commercial educational radio station KTSC-FM, located in Pueblo, Colorado, this response to your Notice of Apparent Liability (NAL) letter dated May 5, 1992, is intended as both clarification, notice of corrective measures taken on each of the cited apparent violations, and appeal for the record based on station policy, station operations, and procedures pursuant to Commission Rules covering notices of liability in accordance with Section 308(b) of the Communications Act of 1934, as amended, and as applicable to our receipt of your Notice of Apparent Liability (NAL). As notified, apparent violations attributed to KTSC-FM and cited include:

1. SECTION 73.961(c) - Tests of EBS Procedures;
2. SECTION 73.1820(a)(1)(iii) - Station Log;
3. SECTION 73.3527(a) - Local Public Inspection File;
4. SECTION 73.908 - EBS Checklist;
5. SECTION 73.961.(c) - Tests of EBS Procedures;
6. SECTION 73.1230(b) - Posting of Station/Op Licenses;
7. SECTION 73.1870(c) - Chief Operators;

As notified, an official review and inspection of KTSC-FM conducted on April 30, 1992 by Mr. Leo E. Cirbo, P.E., attributed apparent liability within each of these seven identified operating areas with subsequent notification to licensee of fines and forfeitures imposed for categories #1, #2, and #3, as listed above, for a total amount of \$8,500.00 as being due and payable

to the Federal Communications Commission on or before June 5, 1992.

Licensee has been so charged and notified as to its apparent liability. The following information, comment, and documentation constitutes required licensee response as to each of the charges contained in the Notice of Apparent Liability, as received. It is also prepared and submitted in the hope of FCC reconsideration and relief as to assessed fines and forfeitures.

KTSC-FM is owned and operated by the University of Southern Colorado. It does not generate income. Its only source of revenue is a small stipend as granted each operating year by the State of Colorado. It is herewith declared that as licensee is within one calendar month of the end of its current fiscal year (July 1 to June 30), no funds are available to comply with fines and forfeitures as are now being assessed by the F.C.C. in its Notice of Apparent Violations. It is anticipated that upon the arrival of its next fiscal year beginning July 1, 1992, a new budget for radio station operations will be authorized and loaded to provide a total of approximately \$8,000.00 to cover the 1992-1993 operating year.

F.C.C. fines and forfeitures now exceed the total amount of station's operating budget for the next fiscal year. To be required to pay these fines will create an impossible hardship for KTSC-FM and its licensee, the University of Southern Colorado.

Further, licensee cannot comply with the June 5, 1992 deadline for any payment of assessed fines and forfeitures. Funds are simply not available. We therefore, (1) Petition for a review of apparent violations, (2) Seek administrative relief for fines and forfeitures as are now being assessed, and (3) Require deadline relief for any payments that may then be ordered.

ITEMIZATION OF APPARENT VIOLATIONS AND CORRECTIVE MEASURES:

1. SECTION 73.961(c) - TESTS OF THE EMERGENCY BROADCAST SYSTEM PROCEDURES - (\$5,000.00 Fine Assessed):

"During four of the twenty weeks of the measured period of time covered by the F.C.C. inspection April 30, 1992, licensee failed to properly log

transmitted EBS tests and/or failed to broadcast them as required."

Dates cited as missing from the schedule are the weeks of February 9, March 22, April 5, and April 12, 1992.

After receiving the FCC's Notice of Apparent Liability and reviewing all of station logs, it was found that a test was in fact conducted during the week of February 9. It is logged as having been broadcast on Thursday, February 13 at 3:16pm. If fines and forfeitures are assessed on the basis of numbers, licensee agrees to having missed three such transmissions and not the four that are listed in the NAL.

CORRECTIVE PROCEDURES: (COURSE CORRECTION AND CHANGES
IN OPERATING POLICY AT KTSC-FM)

- A. For the first time, licensee will implement a logging requirement that will specify exactly the time of day when all EBS transmissions must occur between the hours of operations between 8:30 AM and local sunset.

Past practice has been to specify rotation of these test transmissions between operating shifts between 8:30am and sunset on specified days, but to leave the decision up to the control room operator as to when such tests would actually be transmitted during any given shift of the operating day.

With this policy/operating change being made effective immediately, and with all control room operating personnel following specific programming and performance logs as required, decision-making as to EBS test transmissions is shifted from the board operator to traffic/program management staff. By specifying in advance of each operating day when EBS transmissions will be aired, station will simultaneously conform to announcement rotation in a more closely managed pattern. By implementing this change, "random rotation" will become a management decision as opposed to past practice that allowed control room operators that set of choices.

- B. In consultation with Mr. Leo Cirbo of the F.C.C. Field Operations Bureau during his on-site inspection of KTSC-FM, and in subsequent staff conferences locally, a new and separate logging form for recording weekly EBS transmissions/receptions has been devised and is now in place for station's daily/weekly use. A copy of this new form is attached for your inspection.

Past practice has been to require control room operators to enter all transmissions and reception of EBS signals on daily operating logs when they occur. On three occasions during the inspected period covering twenty weeks, station staff failed to transmit required tests, or failed to enter such transmissions on operating logs. These omissions were not recognized by staff at those times, or when reviewing the daily logs prior to filing with station management.

With a new and separate form for the tracking of all EBS tests each week covering both transmission and reception of signals, and with these forms individually attached to the operating logs as are grouped by each operating week, any oversight will be immediately recognized and appropriate action can be taken.

Together, by (1) Specifying in advance when tests are to be transmitted, (2) Continuing to have control room operators initial logs for both transmission and received tests during a given week, (3) Using a new tracking form for both, and (4) Reviewing these forms weekly for conformance, licensee now has a four-point system of cross-reference as to EBS testing procedures with decision-making shifted from operating to management staff.

These corrective measures have been implemented by licensee as of May 11, 1992.

2. SECTION 73.1820(a)(1)(iii) - STATION LOG: (\$2,500.00 Fine
Assessed)

On seven occasions during the twenty weeks inspected, licensee failed to log receptions of EBS test signals when/as received.

CORRECTIVE PROCEDURES: (COURSE CORRECTION AND CHANGES
IN OPERATING POLICY AT KTSC-FM):

The four-point cross-reference system now implemented and as described in SECTION 1 of this response has been designed to track and document both transmissions and receptions of all EBS tests on a weekly basis. As such, licensee response as to corrective procedures applicable to SECTION 1 of this response is equally applicable to SECTION 2 in the listing of Apparent Liabilities.

When EBS transmissions are received at times station is not on the air, a notation to that effect will now be made on daily station logs at the time receiving equipment for EBS signals is reset. The EBS receptions will also be noted on station's new EBS Log Weekly Report. With this procedure now in place, any oversight can be immediately recognized and appropriate action taken.

3. SECTION 73.3527(a) - LOCAL PUBLIC INSPECTION FILE OF NON-
COMMERCIAL EDUCATIONAL STATIONS:
(\$1,000.00 Fine Assessed)

Licensee maintains a complete public inspection file as required.

During Mr. Cirbo's site inspection of KTSC-FM as conducted on April 30, 1992, a few minutes of the total time allotted for the review were spent leafing through station's Public Inspection File that holds some 400 pages of documentation broken out into eleven separate sections of content. One item was apparently missing from the file: The

Quarterly Issues-Programs Lists for the term of the license (since April, 1990).

Licensee respectfully submits that a Quarterly Issues-Programs List has been part of station's Public Inspection File since such programming was initiated in September of 1991. We certify that the attached copy of a Quarterly Issues-Programs List was a part of the complete file at the time of inspection and represents the first and only public affairs program that has been in the station's schedule over the past two years. A list of program titles, guests, dates, and length of each program for the January-November, 1991 period has been a part of station's public inspection file. (See Attachment "A"). The series titled: "University Talk" has been continued since its inception in January of 1991. A program listing for the most recent academic semester of this continuation is attached for your review as Attachment "B."

The program titled "University Talk," is a weekly issues-oriented talk and discussion program that is produced and aired as a local-live feature of the station on behalf of the licensee. Each week, a new topic is targeted, background fact and orientation materials presented in a narrative format, up to four guests are introduced and given opportunity to express individual viewpoints on the topic of issue. Telephone lines are then opened for callers to interact with studio guests and the program host.

It is the practice of licensee to develop summary lists of its public affairs programs together with the names of guests appearing on each show at the end of every semester, or every 16 weeks during the academic year. Since licensee is now completing the 1991-'92 academic year, a program listing for the January-May operating period is attached for the "University Talk" radio series as a demonstration of continuity, effort, and commitment to the broadcasting of such programs.

4. SECTION 73.908 - EBS CHECKLIST: (No Fine Assessed)

"A copy of the appropriate EBS Checklist was not available at the time of inspection."

CORRECTIVE PROCEDURES: (COURSE CORRECTION AND CHANGES
IN OPERATING POLICY)

Immediately following on-site discussion with Mr. Cirbo, licensee requested a replacement EBS Checklist from the FCC's EBS office in Washington, DC. Upon receipt of these materials, a proper Checklist will be placed in the control room of KTSC-FM.

In discussion with the FCC's EBS office staff in Washington, DC, licensee also requested multiple copies of many additional sets of materials on EBS, including a training videotape on the system produced by the NAB/National Association of Broadcasters. These materials will be used in future classes at the University to better train station operators and to become part of our legal studies coursework in Communications Law.

Upon an internal investigation following the on-site inspection conducted by Mr. Cirbo, it was determined that the EBS Checklist was removed from the licensee's control room during the process of painting the interior walls and replacing the floor carpeting throughout the station. The Checklist was apparently lost during these activities.

Required information for control operators such as the step-by-step procedures to follow in the event of an alert was typed on an "EBS Notice To Operators" card as an interim substitute for the official Checklist and physically affixed to the rack in the control room of the station -- the same rack that contains all of the EBS equipment. At no time have critical instructions to station operators been unavailable.

5. SECTION 73.961.(c) - TESTS OF THE EMERGENCY BROADCAST SYSTEM
PROCEDURES - (No Fine Assessed):

"Testing to be done at random times on random days a minimum of once a week between 8:30am local time and local sunset. Several tests were conducted at 6:32."

CORRECTIVE PROCEDURES: (COURSE CORRECTION AND CHANGES
IN OPERATING POLICY AT KTSC-FM):

As described under Corrective Procedures for SECTION 1 and SECTION 2 in this response, licensee's plan for correcting problems has been implemented.

"Random placement" of EBS testing is now defined as predetermined rotation by management decision-making, as opposed to the independent decisions of control room operators who have previously been allowed to select the time for such tests. Essentially, station management made "Day of Transmission" decisions, but did not specify an exact time for those transmissions on station logs.

The "several tests that were conducted at 6:32am" have been traced to a single control room operator of the twenty-eight on station's staff. She now claims to have been unaware that such tests must be conducted after 8:30am although she had been exposed to classroom orientation sessions about EBS along with all other station staff operators. Unfortunately, other management staff at the station failed to notice the two hour discrepancy of these four tests. The tests that were conducted before the proper time of day are logged as occurring on February 17, March 4, March 18, and on April 27, and occurred at 6:32, 6:32, 6:30, and 6:32, respectively on those dates.

Corrective measures now implemented for the cross-referenced tracking system described in SECTION 1 and in SECTION 2 of this response will immediately flag any procedural discrepancies and appropriate actions will be taken.

6. SECTION 73.1230(b) - POSTING OF STATION AND OPERATOR LICENSES - (No Fine Assessed):

"An operator license was not posted for the following individuals: Michael A. Fields. A copy of Mr. Field's license was posted. Additionally, several expired temporary licenses were posted for operators. All original operator licenses must be posted."

CORRECTIVE PROCEDURES: (COURSE CORRECTION AND CHANGES IN OPERATING POLICY AT KTSC-FM):

Licensee has been operating under what it has believed to be a general guideline of the FCC that if an operator worked on more than one broadcast station, the licensed operator should display his or her original license at the primary or main employing station, and post a copy of that license at a second or third station where he or she also works. Or, as an alternative course of action, such an operator working at more than one station may elect to carry the original license on his or her person and post copies of the original at each station worked.

As a non-commercial educational radio station owned and operated by a university, we are proud of our history of accountability and performance in placing more than 90-percent of our telecommunications graduates in professional broadcasting facilities. More than 60-percent of all our graduates are employed prior to graduation and a few are able to accumulate several years of experience working on area commercial radio and television stations while simultaneously completing our academic and hands-on training program at the university.

As such, our best student operators at KTSC-FM are also employed at area radio and television stations. These individuals have posted their original licenses at their place of primary employment (off-campus), and post a copy of that original license at the university station. To avoid repeated postings, some have elected to carry their

original licenses on their persons and to have posted copies at their respective places of employment.

As to corrective action on this matter, licensee will insist in the future that all original licenses of its staff operators be posted at KTSC-FM. No student will be permitted to go on the air without having the appropriate original license posted in the control room of KTSC-FM.

Because of licensee's role and mission to the university, its students, and the community, the station interacts with an average of 25 to 35 students each semester, or about 60 per academic year. On occasion, students leave the station for outside employment, to pursue other academic interests, or to change a major and disappear altogether. A few of these have not removed their licenses from the station on departure -- a fact that did not go unnoticed by Mr. Cirbo during his inspection.

Licensee has removed all posted licenses and copies of licenses that represent individuals who are inactive and no longer part of the KTSC-FM station staff. A regular "weeding of the garden" will occur in the future.

During his inspection, Mr. Cirbo also noticed that a number of expired temporary licenses were posted for our current station operators and brought that fact to our attention.

We're glad he did.

Upon making inquiries to these individuals to determine why their permanent licenses have not been posted to replace their temporary permits, it was a revelation to discover that a few of our students apparently decided not to send their application forms to the FCC and pay the \$35.00 fee, but to simply post their handwritten portion of the form as "evidence" to station management of an "application in progress" and thereby be allowed to become part of station's on-air staff.

Those individuals have been properly reprimanded.

Licensee has also become aware of a new "Student Restricted Permit" recently authorized by the FCC that is valid for students while in school. No fees are involved for these permits and licensee will be requesting a supply of them in the near future. They will be used beginning with their availability to licensee and into the Summer Session of 1992 and replace uses of FCC Form 753, the "Restricted Radiotelephone Operator Permit Application."

Should students wish to make application for the lifetime restricted license, (FCC Form 753), the forms will be made available and collected by management staff along with payment to cover the fees involved, and will send them as a package to the FCC for processing.

These corrective measures should eliminate the problem of expired temporary permits.

7. SECTION 73.1870(c) - CHIEF OPERATORS - (No Fine Assessed):

"Review of station logs revealed that the chief operator or other delegated person had not reviewed the station records at least once each week as required."

Licensee respectfully submits that all station operating logs, playlists of all music programming, and transmitter performance data are reviewed by management staff and a member of the university faculty on a daily basis. It has long been an enforced standard procedure at KTSC-FM for all such logs to be placed in a file dedicated to that purpose after sign-off each day for station management/faculty review the next morning.

Logs are reviewed on a daily basis for purposes of checking all music and other programs aired, to determine format consistency according to established policies, to keep records of promotion and

institutional PSA's broadcast, and to validate the total operation of KTSC-FM.

Along with station logs, management policy requires that an "air-check" be turned in every day by all new and beginning students assigned to on-air shifts. These air-checks are in the form of cassette tape recordings that are automatically made whenever the announcer's microphone is activated on the station's master control console. Air-checks are used to evaluate on-air student performances, assist with internal announcer training and skills-development, and to serve as "protection tapes" for the station should verification of what was aired become necessary.

The context for which the "Chief Operator" Apparent Liability Citation was drawn as Item #7 in the Notice is no doubt related to a need for closer attention to EBS testing procedures and record-keeping by designated station management personnel.

CORRECTIVE PROCEDURES: (COURSE CORRECTION AND CHANGES
IN OPERATING POLICY AT KTSC-FM):

As described above, station logs are reviewed for many purposes including EBS test procedures. But, by now affixing a new "EBS Log Weekly Report" to each set of station logs, and with both sorted by the operating week, any oversight in the area of EBS transactions will be immediately recognized and appropriate action taken.

The addition of a new and dedicated EBS Log to station's standard operating logs will assist future conformance to FCC requirements in these critical areas of operation and help to prevent recurrence of violations.

SUMMARY AND APPEAL FOR RELIEF:

Pursuant to Section 503(b) of the Communications Act of 1934, as amended, licensee for KTSC-FM seeks relief from

assigned forfeitures as a result of the Notice of Apparent Liability as issued to it dated May 5, 1992.

KTSC-FM has been a recognized leader for the system of higher education in the State of Colorado for all phases of preparing young men and women for careers in professional broadcasting. Working daily with students from all walks of life and at a wide range of individual competencies, mistakes and errors of omission are more likely to happen in our training environment than in virtually any other type or class of station.

This fact does not excuse the making of mistakes, but by the very nature of station's mission, control and supervisory responsibilities are substantially increased compared to staffing profiles as are typical among our commercial counterparts.

By professional standards, all of our station staff members are beginners. They are learning about the business of broadcasting and are flexing their developing skills in a controlled and challenging university setting. They are able to begin creating their individual portfolios in a training environment and prepare themselves as new career candidates for an industry that is constantly searching for fresh talent and new ideas.

In more than twenty-five years of continuous operations, KTSC-FM has an unblemished record of performance as a non-commercial educational radio station. Graduates of licensee's program in telecommunications can be found in virtually every radio and television station in Southern Colorado, many facilities along the Front Range, the Western Slope, and throughout the Rocky Mountain Region. Many have become leaders in the industry on a national and even international scale. They got their start at KTSC-FM and the University of Southern Colorado.

Of necessity, USC's program in telecommunications emphasizes a need for individual responsibility and dedication -- in the extreme -- to the art and craft of broadcasting. We have virtually no budget.

KTSC-FM operates for an entire year for less than what our commercial station neighbors typically spend in an average week or two, and station does so with no paid staff, no

imported programming, no network affiliations such as National Public Radio, no news or sports wire services support for programming, or no public donations. Every program in the station's schedule is produced by students and fills a varied schedule across talk, (T), educational programs, (E), entertainment, (E), news, (N), sports, (S), discussion, (D), and public forum specials (PF), to some 120 hours per week during each academic semester, or over each 16-week period from September to May.

Precisely because licensee has no paid staff for the operations of KTSC-FM, each of five management positions and at least twenty to twenty-five on-air staff positions every semester are filled with students who work on the station a few hours at a time between classes, as volunteers to cover evenings, weekends, and early morning shifts, and as part-time script writers and special projects coordinators. Most of the station's best and most experienced operators also hold down responsible jobs or internships on area radio and TV stations or other parttime or fulltime jobs in the community. We feel fortunate when we are able to get everyone together in one place just to hold a required weekly staff meeting.

Basically, the FCC's Notice of Apparent Liability that addresses seven specific categories of responsibility to licensees can be summarized into one word: Supervision.

Three failures to transmit EBS tests across twenty weeks of the operating schedule is a result of a lack of supervision or a failure to communicate those transmissions as may have been made on station's log.

Failures to note incoming EBS tests on station logs represents the same problem of supervision and/or a failure to communicate.

Built into the master control system at KTSC-FM, the loudspeakers carrying incoming EBS signals at zero-db in the room would prevent any uses of microphones by announcers in the control room until those speakers are muted through a systems reset. Quite obviously, signals have been received by the automated system and have been reset by some student operators who have then failed to enter those received tests on station logs.

Or, at those times when a signal has been received, but during times the station was not on the air, staff members appearing at the station to begin a programming day have reset the EBS receiver to mute control room speakers and have failed to make a note on the station's log to the effect that a signal had been received, but station was off the air at the time of the transmission. Such notations, together with a staff member's initials should have been placed on the daily station logs. On three occasions during the twenty-week period inspected, this failure to communicate created an actionable violative practice.

When dealing with some twenty-eight different students a week, it is clear that more supervision is needed to properly insure that appropriate procedures are always followed.

Licensee could operate with absolute certainty as to conformance, if the station were operated by paid staff and with staffing numbers reduced to three or four operators carrying regular on-air shifts every day -- as is the case in most commercial radio stations. That mode of operation would, however, be inconsistent with licensee's purpose, role, and mission as a polytechnic institution in the business of developing new professionals for the telecommunications industries.

In such an environment, failures to communicate are often a fact of life. Licensee trusts, however, that with corrective measures as have now been implemented in each of the seven categories cited in this response, it will be able to prevent further violative practices.

As to relief from fines and forfeitures assessed, licensee has attached a copy of its current annual budget as an exhibit to this response. Across all line items for station operations, the budget shows some \$8,000.00 available to cover all operating costs. This figure has not been improved over the past four years and it is unlikely to be increased for F.Y. 1992-'93.

Fines and forfeitures to an amount of \$8,500.00 exceed the entire amount anticipated as a station operating budget for KTSC-FM during the next full year. If fines and forfeitures are imposed to this magnitude without relief, the station would have no alternatives other than crashing its operating schedule and eliminating a significant part of its training program in telecommunications at this university.

While the lack of money by a licensee to accomplish required tasks, or pay for sanctions brought against it have been a matter of indifference to the FCC historically, it is also true that the FCC's posture with regard to non-commercial, educational stations has historically been one of encouragement and guidance toward full development -- in the public interest -- and as a measure of its concern for human resources development within the industries embraced by the Communications Act of 1934, as amended.

Clearly, the public interest, or the interests of our area-wide telecommunications industries, or the career interests of hundreds of students in our program at this university, would not be served by seeing their training facility for radio broadcasting so severely punished as to render it incapable of continuation.

It is therefore licensee's trust that FCC will reconsider its position in both law and regulation as to action pending in its case against this non-commercial, educational radio station. KTSC-FM has implemented all corrective measures described in this response. It has conducted staff training sessions with a vengeance since notification of liability was received. All of station's documentation is in order.

As a next major step, the station, its administrative parent the Department of Mass Communications, and appropriate university administrators will be engaged in critical decision-making processes to find ways and means of strengthening supervisory and communications control measures over licensee, KTSC-FM. It is hoped that by turning this near disaster into an opportunity for meaningful change, the station may continue to grow for the benefit of all its constituencies.

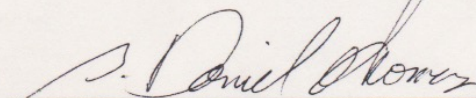
ATTACHMENTS:

EXHIBIT "A" - EBS LOG WEEKLY REPORT

- A. Copy of Quarterly Issues Programs List
(September-November, 1991)
- B. Copy of Quarterly Issues Programs List
(January-May, 1992)
- C. Copy of Annual Budget, KTSC-FM
(1991-1992)

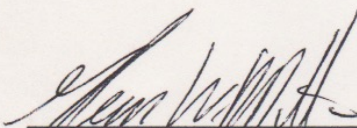
IT IS HEREBY CERTIFIED AND ATTESTED that all statements made in this response are true, that all categories of focus in FCC Notice of Apparent Liabilities have been addressed, and that all corrective measures described have been implemented to prevent recurrences of known violative practices as of this date.

SIGNED AND SUBMITTED ON BEHALF OF LICENSEE:



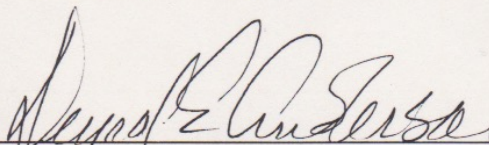
G. Daniel Thomas
Engineer-in-Charge
FCC License/PG-15-13071

MAY 18 1992
Date



Glenn Miller, Chairman
Department of Mass Communications
University of Southern Colorado

May 18, 1992
Date



Deyrol E. Anderson, PhD
Professor and Faculty Advisor to
KTSC-FM

May 18, 1992
Date



FEDERAL COMMUNICATIONS COMMISSION
Field Operations Bureau
165 South Union Boulevard - Suite 860
Lakewood, Colorado 80228
(303) 969-6497

June 22, 1992

**CERTIFIED MAIL NO. 1433370
RETURN RECEIPT REQUESTED**

University of Southern Colorado
Radio Station KTSC-FM
2200 Bonforte Blvd.
Pueblo, CO 81001

Re: Notice of Apparent Liability to Monetary
Forfeiture Dated May 5, 1992
SEQ #3153402-92041

Gentlemen:

We have reviewed the financial records for KTSC-FM and have determined your ability to pay the \$8500 forfeiture is hampered by the financial condition of the station.

Therefore, considering your current financial situation and your cooperative willingness to correct the violations stemming from our inspection of KTSC-FM on April 30, 1992, we are reducing the forfeiture of \$8500 to \$0.00. Re-inspection of stations in which violations have been detected is a high priority of the Commission. If during follow-up inspections conducted within one year of the original inspection similar violations are detected, the violations are considered repeated. Additional monetary forfeitures may be imposed or license revocation proceedings instigated.

If you have any further questions on this matter, please let us know.

Sincerely yours,

ROBERT D. WELLER
Engineer-in-Charge

Advanced Copy:
Cynthia Jalloh
Billings & Collections/FMD

LC/kk