

Federal Communications Commission

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

In the Matter of)	
)	
KHNL/KGMB License Subsidiary, LLC)	File No. EB-FIELDWR-12-00005549
Licensee of KGMB)	
Facility ID# 34445)	
)	
Honolulu, Hawaii)	NOV No. V201332860004
)	

NOTICE OF VIOLATION

Released: December 19, 2012

By the Resident Agent, Honolulu Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to KHNL/KGMB License Subsidiary, LLC (KGMB), licensee of television station KGMB in Honolulu, Hawaii. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On November 1, 2012, and December 3, 2012, an agent of the Enforcement Bureau's Honolulu Resident Agent Office monitored KGMB-DT2 in Honolulu, Hawaii and observed the following violation:

47 C.F.R. § 11.61(a)(1)(i): Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code. These monthly tests must be transmitted within 60 minutes of receipt by EAS Participants in an EAS Local Area or State." On both dates, KGMB-DT2 failed to transmit an EAS RMT video message (crawl).³

3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 C.F.R. § 11.11(a)

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4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, KGMB, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

5. In accordance with Section 1.16 of the Rules, we direct KGMB to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of KGMB with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

6. 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
Honolulu Resident Agent Office
POB 971030
Waipahu, Hawaii 96797-1030

7. This Notice shall be sent to KHNL/KGMB License Subsidiary, LLC at its address of record.

⁴ 47 U.S.C. § 308(b).

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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8. The Privacy Act of 1974⁸ 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.

FEDERAL COMMUNICATIONS COMMISSION



for

John R. Raymond
Resident Agent
Honolulu Resident Agent District Office
Western Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).