

**VIA FEDERAL EXPRESS**

Federal Communications Commission  
Dallas Office  
9330 LBJ Freeway, Suite #1170  
Dallas, TX 75253

**Re: File No. EB-FIELDSCR-12-00000804  
NOV No. V2012325007  
KCBD License Subsidiary, LLC  
KCBD-TV, Lubbock, TX (Facility ID # 27507)  
Response to Notice of Violation**

Dear Sir or Madam:

On behalf of KCBD License Subsidiary, LLC, licensee of television station KCBD-TV, Lubbock, Texas ("KCBD"), this letter responds to the Notice of Violation released on February 28, 2012 (the "NOV"). The NOV sets forth three alleged FCC rule violations noted by a field agent from the FCC's Dallas Office during an on-site visit to KCBD on February 2, 2012. The NOV requests that KCBD fully explain each alleged rule violation, a statement of the specific action(s) taken to correct each alleged violation and prevent recurrence, and, if applicable, a timeline for completion of such corrective actions.

Provided below in bold text are each of the alleged rule violations set forth in the NOV, followed by KCBD's explanations and statements of corrective actions taken.

- a. **47 C.F.R. § 11.52(d): "EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast stations, cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities." At the time of the inspection, Station KCBD-TV was not monitoring the assigned LP2 Station, KRIA (103.9 MHz, FM).**

Historically, KCBD has monitored KZII-FM, Lubbock, TX as its secondary EAS source, because that station provides a very reliable signal to KCBD (the station estimates that KZII-FM provides 97% signal strength to KCBD). Monitoring of KZII-FM as the LP2 Station for KCBD

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has not resulted in any reported problems. KCBD also monitors NWS station WXK-79 on frequency 162.4 VHF.

KCBD acknowledges that the State EAS Plan for Texas (available at: <http://www.tab.org/emergency-systems/EAS/>) lists KRIA(FM), Plainview, TX, as the secondary EAS source for stations located in Lubbock. KRIA(FM) is located 60 miles from Lubbock and provides a far less reliable signal to KCBD than KZII-FM (the station estimates KRIA(FM) provides 30% signal strength to KCBD). In addition, there is an inconsistency in the EAS State Plan for Texas: the plan specifies KRIA(FM) as the secondary EAS station to be monitored by Lubbock stations but also specifies 106.9 FM as the frequency to be monitored. KRIA(FM) is licensed on frequency 103.9 FM. Frequency 106.9 FM is licensed to station KKYN-FM, Plainview, TX.

KCBD has sent an inquiry to the Texas Association of Broadcasters to confirm which station and frequency should be monitored by Lubbock stations. Once confirmed, KCBD will monitor the secondary EAS source that is specified in the State EAS Plan for Texas. In the interim, KCBD has commenced monitoring KRIA(FM) as its secondary EAS source until it receives clarification from the Texas Association of Broadcasters.

- b. 47 C.F.R. § 11.35 (a): “EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Section 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams...” At the time of the inspection, there were no entries in KCBD-TV logs indicating why the required monthly tests (RMTs) and the required weekly tests (RWTs) had been sporadically missed over the three months prior to the inspection.**

KCBD has confirmed that the station aired required weekly and required monthly EAS tests in November and December 2011 (the first two months of the three-month period preceding the FCC on-site inspection on February 2, 2012). Attached hereto as Exhibit A is an “EAS Aired History Report” obtained from KCBD’s traffic system which confirms the airtimes and dates of each EAS test aired in November and December 2011.

KCBD did not air required weekly and required monthly EAS tests during the month of January 2012. The station re-commenced the scheduling of such EAS tests following the FCC inspection on February 2, 2012, and has resumed the scheduled airing of such tests.

Required EAS tests were not aired in January 2012 due to a scheduling error in KCBD’s traffic system. Each year, at or before the beginning of January, KCBD must update its traffic

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system to allot timeslots for the airing of required weekly and monthly tests. If the time slots are not programmed into the system, then EAS tests will not be passed through and aired by the station. In mid-December 2011, KCBD's Chief Engineer sent reminders to the station's traffic department to pre-program in the traffic system timeslots for upcoming EAS tests. However, due to the absence of key personnel in the station's traffic department at the beginning of 2012, the timeslots were not entered into the traffic system. As a result, EAS tests in January did not air.

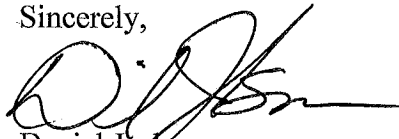
KCBD's traffic system has been updated to allow for the pass-through of EAS tests in 2012. In addition, KCBD staff, including the station's General Manager Chief Engineer, and personnel in the traffic department, have set up automated reminders to update the traffic system at the beginning of each year to make timeslots available for the airing of EAS tests.

- c. **47 C.F.R. § 73.1870(c)(3): "Review of the station records at least once each week to determine if required entries are being made correctly... [U]pon completion of the review, the chief operator or his designee must date and sign the log..." At the time of inspection, there was no indication that the logs were being reviewed by the chief operator.**

During the three months prior to the FCC's on-site inspection of KCBD, the station's logs were not reviewed, signed and dated on a weekly basis. (As a consequence, station management was not made aware that required weekly and monthly EAS tests had not been aired in January.) The station has instituted a procedure, using a cover sheet that must be signed, dated and attached to each week's logs, to confirm that station logs will be reviewed on a weekly basis. In addition, in the event the station's chief operator is absent, a backup operator has been assigned to ensure that this task is completed each week.

Please direct questions concerning this response to the undersigned.

Sincerely,



Daniel Jackson

*Vice President and General Manager  
KCBD-TV, Lubbock, TX*

Enclosure

KCBD-TV

# **EXHIBIT A**

**WILLIS TOWERS WATSON**

Alt. Date	Advertiser/Estimate/Line	Start Sched	Field Sched	House #	Field Sched Ad-ID	Flight Order #	Line #	Flight Spot #	Flight Aired Time
11/02/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	43	1:15:15 PM
11/07/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	44	3:07:31 XM
11/08/11	EAS Test/KCBD TEST	RAN	but NO CRAWL	MMNW9025	Emergency Alert System	527413	11	1	4:47:06 XM
11/17/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	45	9:57:54 AM
11/22/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	46	12:28:27 PM
12/04/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	47	12:51:30 XM
12/06/11	EAS Test/KCBD TEST	Scheduled	TEST RAN	MMNW9025	Emergency Alert System	527413	12	1	1:23:22 XM
12/10/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	48	5:10:35 AM
12/16/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	49	12:27:23 PM
12/21/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	50	3:28:37 PM
12/27/11	EAS Test/KCBD TEST	Scheduled	NO NOTES	MMNW9025	Emergency Alert System	527413	1	51	2:03:18 PM