

Federal Communications Commission

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

In the Matter of)
Capstar TX, LLC) File No.: EB-FIELDWR-13-00012930
Licensee of Station KPHT-FM1) NOV No.: V201432800024
Pueblo, CO) Facility ID: 164838

NOTICE OF VIOLATION

Released: March 20, 2014

By the District Director, Denver 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 Capstar TX, LLC (Capstar), licensee of FM booster station KPHT-FM1 serving Pueblo, CO. 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 noted herein.²

2. On December 20, 2013, an agent of the Enforcement Bureau's Denver Office inspected FM booster KPHT-FM1 located by Pueblo, CO, and observed the following violations:

- a. 47 C.F.R. § 74.1265(b): "The call sign of the translator or booster together with the name, address, and telephone number of the licensee or local representative of the licensee if the licensee does not reside in the community served by the translator or booster, and the name and address of a person and place where station records are maintained, shall be displayed at the translator or booster site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee." During the inspection conducted on December 20, 2013, the agent observed that there was no signage with the required information posted at the transmitter site.

Completed and Corrected 3/30/14

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Capstar 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.⁴

4. In accordance with Section 1.16 of the Rules, we direct Capstar to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Capstar with personal knowledge of the representations provided in Capstar's response, verifying the truth and accuracy of the information therein,⁵ 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.⁶

5. 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
Denver Office
P.O. Box 25446
One Denver Federal Center – Building 1A
Lakewood, CO 80225-0446

6. This Notice shall be sent to Capstar TX, LLC, at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ 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.

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

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7. The Privacy Act of 1974⁷ 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



Nikki P. Shears
District Director
Denver Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

DECLARATION

I, Harry W. Russell, declare as follows:

1. I am Chief Engineer of the Southern Colorado stations for Clear Channel Media + Entertainment. My duties include technical matters relating to FM booster station KPHT-FM1, serving Pueblo, Colorado, FCC Facility ID No. 164838 (the "Station"), licensed to Capstar TX LLC ("Capstar").

2. I have reviewed the Notice of Violation, File No. File No. EB-FIELDWR-13-00012930, NOV No. V201432800024 (the "NOV"). The NOV states that an inspection of the Station's transmitter site on December 20, 2013, by the Enforcement Bureau's Denver Office, indicated a lack of signage as required by Section 74.1265(b) of the Commission's Rules.

3. Upon receiving and reviewing the NOV, I ordered four identical metal signs listing the call sign of the Station, the licensee's name, and the address and telephone number of Capstar's local location. I affixed those signs at several locations leading up to and at the Station's transmitter site, as the attached photographs demonstrate.

Pursuant to Section 1.16 of the Commission's Rules, the undersigned declares under penalty of perjury that, to the best of his knowledge, this declaration is true and accurate and that all of the information requested by the NOV which is in the licensee's possession, custody, control, or knowledge has been produced.



Harry Russell

Executed on: April 1, 2014

PHOTOGRAPH I (Gate to Access Road)



PHOTOGRAPH II (Internal locked gate)



PHOTOGRAPH III (Fence at Base of Tower)



PHOTOGRAPH IV (Equipment Building)



**Capstar TX LLC
2625 South Memorial Drive
Suite A
Tulsa, Oklahoma 74129**

April 7th, 2014

VIA US EXPRESS MAIL

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau
Federal Communications Commission
P.O. Box 25446
One Denver Federal Center – Building 1A
Lakewood, Colorado 80225-0446

**Re: File No. EB-FIELDWR-13-00012930
NOV No. V201432800024
Facility ID: 164838**

Dear Ms. Shears:

The undersigned, an officer of Capstar TX LLC (“Capstar”), licensee of FM booster station KPHT-FM1, serving Pueblo, Colorado, FCC Facility ID No. 164838 (the “Station”), hereby responds to the Notice of Violation released March 20, 2014 (the “NOV”) regarding signage at Station’s transmitting site.

The NOV notes that an inspection of the Station’s transmitter site on December 20, 2013, by the Enforcement Bureau’s Denver Office showed a lack of signage required by Section 74.1265(b) of the Commission’s Rules.

Attached is the Declaration of Harry Russell, Chief Engineer of the Southern Colorado stations for Clear Channel Media + Entertainment. Mr. Russell states that following receipt of the NOV, he ordered four identical metal signs listing the call sign of the Station, the licensee’s name, and the address and telephone number of Capstar’s local location. Mr. Russell states that he affixed those signs at several locations leading up to and at the Station’s transmitter site, as shown in the photographs attached to his Declaration.

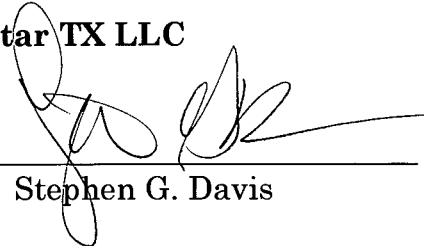
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Pursuant to Section 1.16 of the Commission's Rules, the undersigned declares under penalty of perjury that, to the best of his knowledge, based on the Declaration of Harry Russell, this response is true and accurate and that all of the information requested by the NOV which is in the licensee's possession, custody, control, or knowledge has been produced.

Respectfully submitted,

Capstar TX LLC

By: _____


Stephen G. Davis

Senior Vice President,
Engineering & Capital
Management

DECLARATION

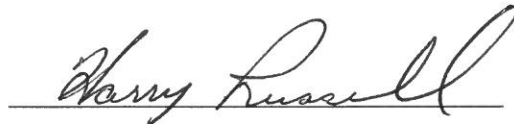
I, Harry W. Russell, declare as follows:

1. I am Chief Engineer of the Southern Colorado stations for Clear Channel Media + Entertainment. My duties include technical matters relating to FM booster station KPHT-FM1, serving Pueblo, Colorado, FCC Facility ID No. 164838 (the "Station"), licensed to Capstar TX LLC ("Capstar").

2. I have reviewed the Notice of Violation, File No. File No. EB-FIELDWR-13-00012930, NOV No. V201432800024 (the "NOV"). The NOV states that an inspection of the Station's transmitter site on December 20, 2013, by the Enforcement Bureau's Denver Office, indicated a lack of signage as required by Section 74.1265(b) of the Commission's Rules.

3. Upon receiving and reviewing the NOV, I ordered four identical metal signs listing the call sign of the Station, the licensee's name, and the address and telephone number of Capstar's local location. I affixed those signs at several locations leading up to and at the Station's transmitter site, as the attached photographs demonstrate.

Pursuant to Section 1.16 of the Commission's Rules, the undersigned declares under penalty of perjury that, to the best of his knowledge, this declaration is true and accurate and that all of the information requested by the NOV which is in the licensee's possession, custody, control, or knowledge has been produced.



Harry Russell

Executed on: April 7, 2014

PHOTOGRAPH I (Gate to Access Road)



PHOTOGRAPH II (Internal locked gate)



PHOTOGRAPH III (Fence at Base of Tower)



PHOTOGRAPH IV (Equipment Building)

