

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

In the Matter of	)	
	)	
New Age Media of Tennessee License, LLC	)	File No. EB-10-AT-0099
Licensee of TV Station WDSI-TV	)	
Facility ID #71353	)	NOV No. V201032480007
Chattanooga, TN	)	
	)	
	)	

NOTICE OF VIOLATION

Released: August 20, 2010

By the District Director, Atlanta Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules<sup>1</sup> to New Age Media of Tennessee License, LLC, licensee of television station WDSI-TV, Chattanooga, TN.
2. On July 29, 2010, agents from the Enforcement Bureau’s Atlanta Office inspected the station’s main studio located in Chattanooga, TN and observed the following violation(s):

- a. 47 C.F.R. § 11.52(d): “EAS participants must monitor two assigned EAS sources.”

The station was monitoring only one of the two assigned EAS sources.

- b. 47 C.F.R. § 11.61: “(a)... All tests will conform with the procedures in the EAS Operating Handbook. ... (b) Entries shall be made in EAS Participant records, as specified in Sections 11.35(a) and 11.54(b)(13).” The EAS Operating Handbook requires EAS participants to log all received and transmitted EAS tests. In addition, Section 73.1820(a)(1)(iii) states that “[e]ntries must be made in the station log either manually by a person designated by the licensee ... or by automatic devices. ... The following information must be entered: An entry of each test and activation of the EAS pursuant to the requirement of part 11 of this chapter and the EAS Operating Handbook.”

The station’s EAS logs contained no entries for transmitting weekly tests or receiving and retransmitting monthly tests.

<sup>1</sup>47 C.F.R. § 1.89.

The station's EAS logs contained no entries for transmitting weekly tests or receiving and retransmitting monthly tests.

- c. 47 C.F.R. § 73.1870(c)(3): The designated chief operator must review and sign the station logs on a weekly basis.

The chief operator was not reviewing or signing the station logs on a weekly basis.

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. We also must investigate violations of other rules that apply to broadcast licensees. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, New Age Media of Tennessee License, LLC 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.<sup>3</sup>
4. In accordance with Section 1.16 of the Commission's Rules, we direct New Age Media of Tennessee License, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of New Age Media of Tennessee License, LLC with personal knowledge of the representations provided in New Age Media of Tennessee License, LLC response, verifying the truth and accuracy of the information therein,<sup>4</sup> 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.<sup>5</sup>

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<sup>2</sup>47 U.S.C. § 403.

<sup>3</sup>47 C.F.R. § 1.89(c).

<sup>4</sup>Section 1.16 of the Commission's 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.

<sup>5</sup>18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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  
Atlanta Office  
3575 Koger Blvd.  
Duluth, GA 30096

6. This Notice shall be sent to New Age Media of Tennessee License, LLC at its address of record.
7. The Privacy Act of 1974<sup>6</sup> 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

Douglas G. Miller  
District Director  
Atlanta District Office  
South Central Region  
Enforcement Bureau

cc: WDSI-TV

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<sup>6</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).