

# WINTON ROAD BROADCASTING CO, LLC

P.O. BOX 2700, BAKERSFIELD, CA 93303

661-328-0118~FX 661-328-1648

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January 9, 2014

Federal Communications Commission  
San Diego Office  
4542 Ruffner St., Rm 370  
San Diego, CA 92111

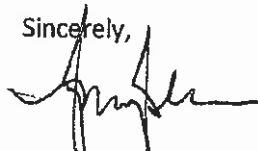
File No. EB-FIELDWR-13-00012425  
NOV No. V201432940015  
RE: KENN (AM)

Dear Sir or Madam:

Please replace the statement sent and dated January 7, 2014 with the enclosed statement dated January 9, 2014. The statement dated January 7, 2014 was a preliminary draft and filed in error and should be replaced and superseded by this final statement dated January 9, 2014.

I apologize for any confusion regarding this matter.

Sincerely,



L. Rogers Brandon  
Winton Road Broadcasting Co., LLC

Winton Road Broadcasting Co., LLC.  
PO Box 2700  
Bakersfield, CA 93303

Federal Communications Commission  
San Diego Office  
4542 Ruffner St., Rm 370  
San Diego, CA 92111

File No. EB-FIELDWR-13-00012425  
NOV No. V201432940015  
RE: KENN (AM)

Dear Sir or Madam:

I am a member of Winton Road Broadcasting Co., LLC. I have reviewed the above-referenced matter and provide the following reply.

This NOV finds that "At the time of the inspection, there were no entries explaining why the required monthly test was not received or transmitted for the Month of September 2013. Also there were no entries that explained why numerous required weekly tests were not received for the station's monitoring assignments. The station logs failed to show explanations by the Chief Operator for why these test were not received or transmitted."

It was determined that the EAS receiving equipment located at the studios of KENN-AM was intermittently malfunctioning, the necessary repairs have been completed, and the receiver is functioning at this time. Procedures are in place to verify operation via spot checks of the receiver, as well as any issues identified by missed EAS tests. For example, the January 2014 RMT has been confirmed as received, transmitted and logged.

Station EAS procedures have been reviewed with the Market General Manager, the Chief Operator for the above Station, and our Contract Engineer. Additionally, it is understood by those in attendance, that periodic checks will be made to verify proper operation of the LP-1 Channel receiver to insure that it is operating properly. Any and all test failures will be properly logged in the cumulative EAS log page for each month. This allows the Chief Operator to make the log review notations as required. Any equipment failures that are beyond the capability of the Chief Operator to resolve will be brought to the attention of the Market General Manager, and the Contract Engineer to make necessary repairs or adjustments.

The foregoing is stated under penalty of perjury and is true and correct to the best of my knowledge and belief.



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L. Rogers Brandon  
Winton Road Broadcasting Co., LLC  
January 9, 2014

Winton Road Broadcasting Co., LLC.  
PO Box 2700  
Bakersfield, CA 93303

Federal Communications Commission  
San Diego Office  
4542 Ruffner St., Rm 370  
San Diego, CA 92111

File No. EB-FIELDWR-13-00012425

NOV No. V201432940015

RE: KENN (AM)


I am a member of Winton Road Broadcasting Co., LLC. I have reviewed the above-referenced matter concerning KENN (AM) and provide the following reply.

This NOV finds that "At the time of the inspection, there were no entries explaining why the required monthly test was not received or transmitted for the Month of September 2013. Also there were no entries that explained why numerous required weekly tests were not received for the station's monitoring assignments. The station logs failed to show explanations by the Chief Operator for why these test were not received or transmitted."

It was determined that the receiving equipment located at the studios of KENN (AM) was intermittently malfunctioning, the necessary repairs have been completed, and the receiver is functioning at this time. New procedures are now in place to verify operation via spot checks of the receiver, as well as any issues identified by missed RWTs. The January RMT was received, logged, and retransmitted today as normal operation.

Station procedures were reviewed with the Market General Manager, the Chief Operator for the above Station, and our Contract Engineer as to the requirements for EAS logging. Additionally, it is understood by those in attendance, that periodic checks will be made to verify the proper operation of the LP-1 Channel receiver (DTV receiver) to insure that it was operating properly. Additionally, any and all test failures will be properly logged in the Monthly EAS log page. This allows the Chief Operator to make the weekly log review notations as required. Any equipment failures that were beyond the capability of the Chief Operator to resolve will be brought to the attention of the Market General Manager, and the Contract Engineer to make necessary repairs or adjustments.

The foregoing is stated under penalty of perjury and is true and correct to the best of my knowledge and belief.



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L. Rogers Brandon  
Winton Road Broadcasting Co., LLC

January 7, 2014

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Winton Radio Broadcasting Co., LLC.	)	File No. EB-FIELDWR-13-00012425
Licensee of Station KENN(AM)	)	NOV No. V201432940015
	)	
Farmington, NM	)	Facility ID No.: 33953

**NOTICE OF VIOLATION**

**Released:** December 19, 2013

By the District Director, San Diego 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),<sup>1</sup> to Winton Radio Broadcasting Co., LLC, (Winton Radio), licensee of radio station KENN(AM) in Farmington, New Mexico. 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 violations noted herein.<sup>2</sup>

2. On November 19, 2013, an agent of the Enforcement Bureau's San Diego Office inspected radio station KENN(AM)'s main studio located at Farmington, NM, and observed the following violation:

- a. 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 §11.61(a)(1) and (2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in §§73.1820 and 73.1840 of this chapter for all broadcast streams ...." At the time of the inspection, there were no entries explaining why the required monthly test was not received or transmitted for the month of September 2013. Also, there were no entries that explained why numerous required weekly tests were not received for the station's monitoring assignments. The station logs failed to show explanations by the Chief Operator for why these tests were not received and retransmitted.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

## Federal Communications Commission

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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.

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

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

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  
San Diego Office  
4542 Ruffner St., Rm. 370  
San Diego, CA 92111

7. This Notice shall be sent to Winton Radio Broadcasting Co., LLC, Inc. at its address of record.

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> 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.

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

**Federal Communications Commission**

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8. The Privacy Act of 1974<sup>7</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



James T. Lyon  
District Director  
San Diego Office  
Western Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).