

Federal Communications Commission

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

In the Matter of)	
)	
Regent Broadcasting of El Paso, Inc.)	File No. EB-08-DL-0069
)	
Licensee of Radio Station KROD)	
Facility ID # 14908)	NOV No. V200832500011
)	
El Paso, Texas)	

NOTICE OF VIOLATION

Released: August 8, 2008

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

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Regent Broadcasting of El Paso, Inc. (“Regent”), licensee of radio station KROD in El Paso, Texas.

2. On June 18, 2008, an agent of the Commission’s Dallas Office of the Enforcement Bureau inspected radio station KROD located in El Paso, Texas, and observed the following violation(s):
 - a. 47 C.F.R. § 73.61(a): “Each AM station using a directional antenna must make field strength measurements at the monitoring point locations specified in the instrument of authorization, as often as necessary to ensure that the field at those points does not exceed the values specified in the station authorization.” On June 18, 2008, the field exceeded the authorized value for the 324 degree monitoring point. It is noted that the station’s field strength meter indicated the maximum licensed value for this point; however the meter showed signs of damage, was last calibrated August 21, 1997 and displayed values up to six percent less than the Commission’s meter for a given measurement.

 - b. 47 C.F.R. § 73.62(a): “Each AM station operating a directional antenna must maintain the relative amplitudes of the antenna currents, as indicated by the antenna monitor, within 5% of the values specified on the instrument of authorization. Directional antenna relative phases must be maintained within 3 degrees of the values specified on the instrument of authorization.” The relative phase of tower two relative to tower one specified on the license granted February 5, 1999 is 136 degrees; whereas the observed value

¹47 C.F.R. § 1.89.

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during the inspection on June 18, 2008 was 132.2 degrees, a difference of 3.8 degrees exceeding the allowed tolerance.

- c. 47 C.F.R. § 73.1350(a): “Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization.” The Station Authorization for station KROD specifies a specific number of buried copper radials. During the inspection, there was evidence that parts of several ground radials had recently been stolen and that parts of other radials were exposed. The station should inspect the ground system and replace any missing radials and ensure that all radials are completely buried as required.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Regent, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. 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
Dallas Office
9330 LBJ Freeway, #1170
Dallas, Texas 75243

4. This Notice shall be sent to Regent Broadcasting of El Paso, Inc. at its address of record.
5. The Privacy Act of 1974³ 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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director
Dallas District Office
South Central Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*