

Federal Communications Commission

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

In the Matter of)	
)	
Box Broadcasting Corporation)	File No. EB-08-DL-0179
Licensee of Radio Station KBEL)	
Facility ID: 14759)	NOV No. V200832500013
Idabel, Oklahoma)	
)	

NOTICE OF VIOLATION

Released: September 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 Box Broadcasting Corporation, licensee of radio station KBEL in Idabel, Oklahoma.

2. On May 7, 2008, an agent of the Commission’s Dallas Office of the Enforcement Bureau inspected radio station KBEL located at Idabel, Oklahoma, and observed the following violation(s):
 - a. 47 C.F.R. § 11.35(a): “Additionally, broadcast stations and cable systems and wireless cable systems must determine the cause of any failure to receive the required [Emergency Alert System “EAS”] tests or activations specified in § 11.61(a)(1) and (a)(2). Appropriate entries must be made in the broadcast station log, ... indicating why any tests were not received.” At the time of inspection, the EAS equipment installed at KBEL was operational. However, the entire EAS log consisted of 7 entries beginning on April 18, 2008. The EAS log entries were for the reception of 5 thunderstorm warnings and 2 weekly tests. The station did not maintain a station log, and there were no entries regarding the cause for missing EAS entries in any other logs.

 - b. 47 C.F.R. § 11.61: “Tests of EAS procedures. (a) EAS Participants shall conduct tests at regular intervals, as specified in paragraphs (a)(1) and (a)(2) of this section. Additional tests may be performed anytime. EAS activations and special tests may be performed in lieu of required tests as specified in paragraph (a)(4) of this section. All tests will conform with the procedures in the EAS Operating

¹47 C.F.R. § 1.89.

Federal Communications Commission

Handbook. (1) Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code. (i) Tests in odd numbered months shall occur between 8:30 a.m. and local sunset. Tests in even numbered months shall occur between local sunset and 8:30 a.m. They will originate from Local or State Primary sources. The time and script content will be developed by State Emergency Communications Committees in cooperation with affected EAS Participants. Script content may be in the primary language of the EAS Participant. These monthly tests must be transmitted within 60 minutes of receipt by EAS Participants in an EAS Local Area or State. ... (2) Required Weekly Tests: (i) EAS Header Codes and EOM Codes: (A) Analog and digital AM, FM, and TV broadcast stations must conduct tests of the EAS header and EOM codes at least once a week at random days and times. ... (b) Entries shall be made in EAS Participant records, as specified in §§11.35(a) and 11.54(b)(13).” The station had no records of an EAS test reception or activation prior to April 18, 2008.

- c. 47 C.F.R. § 11.15: “A copy of the EAS Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions.” A copy of the EAS Handbook was not available at any point at the station.
- d. 47 C.F.R. § 73.1800(a): “The licensee of each station must maintain a station log as required by § 73.1820.” The required station log was not available for inspection.
- e. 47 C.F.R. §§ 73.1870(a)(1) & (3): “The licensee of each AM, FM, TV or Class A TV station must designate a person to serve as the station’s chief operator. The designation must be in writing and posted with the station’s license.” The agent found no written designation of a chief operator for the station.
- f. 47 C.F.R. § 73.1230(a): “The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such a manner that all terms are visible at the place the licensee considers to be the principal control point of the transmitter.” The station authorization was not posted as required. Additionally, the station authorization was not otherwise available for inspection

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Box Broadcasting Corporation 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

²47 U.S.C. § 308(b).

Federal Communications Commission

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, Suite 1170
Dallas, TX 75243

4. This Notice shall be sent to Box Broadcasting Corporation 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

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*