

Federal Communications Commission

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

In the Matter of)
)

Coates Broadcasting, Inc.)
Licensee of Radio Station KDSS)
Facility ID# 63558)
Ely, Nevada)

File No. EB-08-SF-0362

NOV No. V200932960004

NOTICE OF VIOLATION

Released: January 16, 2009

By the District Director, San Francisco Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Coates Broadcasting, Inc. ("Coates Broadcasting"), licensee of radio station KDSS in Ely, Nevada.

2. On September 18, 2008, an agent of the Enforcement Bureau's San Francisco Office inspected radio station KDSS located in Ely, Nevada, and observed the following violation:

- a. 47 C.F.R. § 11.51(c): "By the effective dates provided in § 11.11(a),² all analog and digital radio and television broadcast stations shall transmit EAS messages in the main audio channel." No audio message was transmitted during the Required Weekly Test ("RWT") transmissions for the month of August 2008.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, Coates Broadcasting, Inc., must submit a written statement concerning this matter within 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 Coates Broadcasting, Inc. 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:

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 11.11(a).

³ 47 U.S.C. § 403.

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San Francisco Office
5653 Stoneridge Drive, Suite 105
Pleasanton, California 94588-8543

4. This Notice shall be sent by Certified Mail, Return Receipt Requested and regular mail to Coates Broadcasting, Inc., at the address of record.

5. The Privacy Act of 1974⁴ 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.⁵

FEDERAL COMMUNICATIONS COMMISSION

Thomas N. VanStavern
District Director
San Francisco District Office
Western Region
Enforcement Bureau

⁴ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵ 18 U.S.C. § 1001 *et seq.*