

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Metro Communications	)	File No. EB-08-NY-0321
Licensee of Radio Station WPNP467	)	
Clifton, NJ	)	NOV No.V200832380059
	)	
	)	

**NOTICE OF VIOLATION**

**Released: September 10, 2008**

By the District Director, New York Office, Northeastern 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 Metro Communications (“Metro”), licensee of radio station WPNP467 in Clifton, NJ.
2. On September 8, 2008, in response to a licensee’s complaint of radio interference on the frequency 463.9875 MHz, agents of the New York Office monitored station WPNP467 on the frequency 463.9875 MHz and observed the following violations:
  - a. 47 C.F.R. § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” At the time of the investigation, Metro repeatedly initiated radio transmissions on 463.9875 MHz while other transmissions on the same frequency were already in progress.
  - b. 47 C.F.R. § 90.425(a): “Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section.” On September 8, 2008, between 11:00 a.m. and 3:00 p.m., Metro did not transmit its call sign identification WPNP467 on the frequency 463.9875 MHz.
  - c. 47 C.F.R. § 90.427(a): “Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons

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<sup>1</sup> 47 C.F.R. § 1.89.

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other than those duly authorized by and under control of the licensee.” At the time of the investigation, agents observed that Metro operated its station, WPNP467, in an unauthorized and unprotected manner in that its station was programmed to transmit a continuous signal on 463.9875 MHz whenever another licensee’s mobile units were in operation.

- d. 47 C.F.R. § 90.439: “All stations and records of stations in these services shall be made available for inspection at any reasonable time while the station is in operation upon reasonable request of an authorized representative of the Commission.” The licensee refused to make the station available for inspection after a request by a representative of the Commission's New York Office.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Metro 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 Metro. 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  
New York Office  
201 Varick Street, Suite 1151  
New York, NY 10014

4. This Notice shall be sent to Metro at its address of record.

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<sup>2</sup> 47 U.S.C. § 308(b).

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5. The Privacy Act of 1974<sup>3</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. 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.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel  
District Director  
New York Office  
Northeast Region  
Enforcement Bureau

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

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*