

Federal Communications Commission

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

In the Matter of)	
)	
Ecuador Car Service Corp.)	File No. EB-09-NY-0065
Licensee of Radio Station WQJY653)	
Astoria, New York)	NOV No. V200932380025
)	

NOTICE OF VIOLATION

Released: March 6, 2009

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Ecuador Car Service Corp., (“Ecuador”) licensee of land mobile radio station WQJY653, Astoria, New York.
2. On March 4, 2009, in response to a complaint, an agent of the Commission’s New York Office inspected station WQJY653 and observed the following violations:
 - a. 47 C.F.R. § 1.903(a): “*General rule.* Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” The license for this station authorizes only 80 watts of transmitter output power and an effective radiated power of 250 watts. When inspected, the base station was found to be transmitting with a transmitter output power of 160 watts and an effective radiated power of 420 watts.
 - b. 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.” Monitoring revealed that transmissions were being made without regard for co-channel traffic by other licensees.
 - c. 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

¹47 C.F.R. § 1.89.

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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 March 4, 2009, between 10:00 a.m. and 12:30 p.m., Ecuador did not transmit its call sign identification for station WQJY653 on the frequency 153.02 MHz.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Ecuador 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
New York Office
201 Varick St, Suite 1151
New York, New York 10014

4. This Notice shall be sent to Ecuador Car Service Corp. 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

Daniel W. Noel
District Director
New York District Office
Northeast 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.*