

Federal Communications Commission

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

In the Matter of)	
)	
New York City Department of Information)	File No. EB-09-NY-0061
Technology & Telecommunications)	
Licensee of Radio Station WNYE)	NOV No. V200932380026
New York, New York)	
)	

NOTICE OF VIOLATION

Released: March 18, 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 New York City Department of Information Technology & Telecommunications, licensee of FM broadcast station WNYE, New York, New York.
2. On February 24, 2009, an agent of the Commission’s New York Office inspected radio station WNYE and observed the following violations:
 - a. 47 C.F.R. § 73.3526(e)(1): The public inspection file shall contain a “copy of the current FCC authorization to construct or operate the station...” At the time of inspection, a copy of the authorization was not in the public inspection file.
 - b. 47 C.F.R. § 73.3526(e)(4): The public inspection file shall contain a “copy of any service contour maps, submitted with any application tendered for filing with the FCC. . . .” At the time of the inspection, there was no service contour map in the public inspection file showing the station’s community contour.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, New York City Department of Information Technology & Telecommunications, 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 New York City Department of Information Technology & Telecommunications. All replies and documentation sent in response to this Notice

¹47 C.F.R. § 1.89.

²47 U.S.C. § 308(b).

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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 New York City Department of Information Technology & Telecommunications 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

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*