

Federal Communications Commission

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

In the Matter of)	
)	
Town of Ware)	File No. EB-04-BS-083
Licensee of Radio Station WPUF 267)	
Ware Fire Department)	NOV No. V20053226004
Ware, MA)	
)	
Attention: Chief Thomas W. Coulombe,)	

NOTICE OF VIOLATION

Released: January 31, 2005

By the District Director, Boston Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Town of Ware (Ware Fire Department), licensee of radio station WPUF 267.

2. On December 2, 2004, an agent of the Commission's Boston Office investigated a complaint of interference from Hamden Police Department, Hamden, MA to their frequency 153.9125 MHz and inspected radio station WPUF 267 (153.92 MHz) located at Ware Fire Department 1 East Main Street, Ware, MA, and observed the following violation(s):

a. 47 C.F.R. § 1.903(a): "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."

1. The agent found the Ware Fire Department operating the radio station as a control station on frequency 150.805 MHz at 1 East Main Street. The station authorization provides for the operation of a mobile relay station.

2. The agent determined the station was operating paging attention tones beyond the authorized bandwidth (11K2F3E) from the mobile relay station located at 268 Belchertown Road Ware, MA and causing harmful interference to the Hamden Police radio station (WPRI 633).

¹ 47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Town of Ware, 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 the licensee with personal knowledge of the matter. 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
1 Batterymarch Park
Quincy, MA 02169-7454

4. This Notice shall be sent to Town of Ware, 1 East Main Street, Ware, MA 01082.

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

Dennis V. Loria
District Director
Boston Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*