

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Southeast Morris County Municipal	)	File No. EB-09-NY-0189
Licensee of Radio Station WQIA554	)	
Cedar Knolls, New Jersey	)	NOV No. V200932380036
	)	

**NOTICE OF VIOLATION**

**Released: May 28, 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 Rules<sup>1</sup> to Southeast Morris County Municipal, licensee of private land mobile telemetry station WQIA554 in Cedar Knolls, New Jersey.
2. On May 12, 2009, in response to a complaint of interference from a FCC licensee, an agent from the Commission’s New York Office inspected radio station WQIA554 located in Cedar Knolls, New Jersey, and observed the following violations:
  - a) 47 C.F.R. § 90.238(e): “In the 450-470 MHz band, telemetry operations will be authorized on a secondary basis with a transmitter output power not to exceed 2 watts on frequencies subject to 90.20(d)(27) or 90.35(c)(30).” During the inspection on May 12, 2009, the agent found that Southeast Morris County Municipal’s telemetry base station was transmitting with an effective radiated power of 16 watts. The agent further found that the station was not operating consistent with its status as a secondary user because the station, in violation of 47 C.F.R. § 90.403(c), continuously transmitted a data stream and steady carrier on frequency 457.075 MHz, which prevented other licensees from using the frequency.
  - 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.” During the inspection on May 12, 2009, the agent observed that Southeast Morris County Municipal did not monitor for other users on the frequency 457.075 MHz.

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<sup>1</sup> 47 C.F.R. § 1.89.

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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, Southeast Morris County Municipal 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 Southeast Morris County Municipal. 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 Southeast Morris County Municipal at its address of record.
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 District Office  
Northeast Region  
Enforcement Bureau

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<sup>2</sup>47 U.S.C. § 308(b).

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

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