

Federal Communications Commission

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

In the Matter of)
) File No.: EB-09-NY-0213
USA1 Communications Corp.)
Bronx, New York) Citation No.: C200932380001
)

CITATION

Released: June 30, 2009

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

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to USA1 Communications Corp. ("USA1"), for violation of Section 90.427(b) of the Commission’s Rules.²

2. An investigation by the Enforcement Bureau’s New York District Office on June 22, 2009, indicated that USA1 had programmed transmitters with frequencies for which Paisa 2 Car and Limousine Service, Inc. ("Paisa"), the licensee of private land mobile station WQEQ855, was not authorized.

3. Section 90.427(b) states “[e]xcept for frequencies used in accordance with § 90.417, no person shall program into a transmitter frequencies for which the licensee using the transmitter is not authorized.”³ By programming radios with frequencies for which Paisa was not authorized, USA1 violated this section.

4. Violations of the Act or the Commission’s Rules may subject the violator to substantial monetary forfeitures,⁴ seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁵

5. USA1 may request an interview at the closest FCC Office, which is Federal Communications Commission, New York Office, 201 Varick Street, Suite 1151, New York, NY 10014.⁶ You may contact this office by telephone, (XXX) XXXX-XXXXto schedule this

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. § 90.427(b).

³ 47 C.F.R. § 90.427(b).

⁴ 47 C.F.R. § 1.80(b)(3).

⁵ 47 U.S.C. §§ 401, 501, 503, 510.

⁶ 47 U.S.C. § 503(b)(5).

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interview, which must take place within 14 days of this Citation. USA1 may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-09-NY-0213 when corresponding with the Commission.

6. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁷ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁸

7. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to USA1 Communications Corp., Inc., at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

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

⁷ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁸ See 18 U.S.C. § 1001 *et seq.*