

Federal Communications Commission

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

In the Matter of)	
)	
County of Somerset)	File No. EB-09-PA-0102
Licensee of Radio Station KCQ249)	
Bridgewater Township, New Jersey)	NOV No. V200932400018
)	
)	

NOTICE OF VIOLATION

Released: June 16, 2009

By the District Director, Philadelphia 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 the County of Somerset, licensee of radio station KCQ249 in Bridgewater Township, New Jersey.

2. Based on a Commission licensee’s complaint of radio interference, agents of the Commission’s Philadelphia Office monitored radio station KCQ249 located in Bridgewater Township, New Jersey on the frequency 154.680 MHz and observed the following violations:
 - a. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Service 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...” According to the station license for KCQ249, the County of Somerset is authorized to operate a base station on the frequency 154.680 MHz at 20 Grove Street, Somerville, New Jersey. At the time of inspection, agents determined that the County of Somerset operated a base station on 156.840 MHz off Millers Lane, Bridgewater Township, New Jersey.

 - b. 47 C.F.R. § 90.405(a): “Stations licensed in this part may transmit only ... Communications directly related and necessary to those activities which make the licensee eligible for the station license held under this part.” On June 1, 2009, agents used direction finding techniques to determine that the County of Somerset was transmitting superfluous communications on the frequency 154.680 MHz.

¹47 C.F.R. § 1.89.

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- c. 47 C.F.R. S: 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 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 June 1, 2009, between 12:20 a.m. and 4:00 a.m., agents observed that the County of Somerset did not transmit its call sign identification KCQ249 on the frequency 154.680 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, the County of Somerset 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
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, PA 19047

4. This Notice shall be sent to the County of Somerset 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

Gene J. Stanbro
District Director
Philadelphia 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.*