

Federal Communications Commission

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

In the Matter of)
)
Bella Vista Hospital) File No. EB-09-SJ-0030
Mayaguez, PR) NOV No. V200932680003

NOTICE OF VIOLATION

Released: August 4, 2009

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Bella Vista Hospital, licensee of radio stations WPPC837 and KNAU611 in Mayaguez, PR.
2. On July 29, 2009, agents from the San Juan Office of the Enforcement Bureau determined that the Bella Vista Hospital was using the frequency of 154.835 MHz as the input to their repeater. Commission records do not reflect 154.835 MHz as one of the frequencies covered by Bella Vista Hospital licenses. The agents from the San Juan Office observed the following violation:

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.” Furthermore, 47 C.F.R. § 1.903(b) states: “The holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization.” While Bella Vista Hospital conducted a test transmission of their system, agents observed those transmissions and confirmed they were operating on 154.835 MHz. The Bella Vista Hospital also admitted that their system was operating on the frequency 154.835 MHz. On July 29, 2009, Bella Vista Hospital was not authorized under any license to operate on this frequency from the hospital or any other location.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Bella Vista Hospital 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 Bella Vista Hospital. All replies and

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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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
San Juan Office
Room 762
Federal Building
Hato Rey, PR 00918

4. This Notice shall be sent to Bella Vista Hospital 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

William Berry
Resident Agent
San Juan District Office
South Central Region
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*