

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Franklin Instrument Co., Inc.	)	File No. EB-09-PA-0103
Licensee of Radio Station WQJJ880	)	
Newtown, Pennsylvania	)	NOV No. V200932400019
	)	
	)	

**NOTICE OF VIOLATION**

**Released: August 11, 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 Rules<sup>1</sup> to Franklin Instrument Co., Inc. (“Franklin”), licensee of Land Mobile Radio Service station WQJJ880 in Newtown, Pennsylvania.
2. On May 22, 2009, the Commission’s Philadelphia Office received a complaint from C W Schrenk, the licensee of Land Mobile Radio Service station KGM478, alleging that it was experiencing harmful interference on the frequency 464.650 MHz from an unidentified paging system. In response to the complaint, on July 30, 2009, an agent of the Philadelphia Office inspected radio station WQJJ880 located at the Bucks County Community College in Newtown, Pennsylvania and observed the following violations:
  - a. 47 C.F.R. § 90.137(b): “When any unit or units of a base station or fixed station which are authorized for operation at temporary locations actually remain or are intended to remain at the same location for more than 1 year, an application for a separate authorization specifying the fixed location shall be made as soon as possible, but not later than 30 days after the expiration of the 1-year period.” The license for station WQJJ880 authorizes nationwide operation of radio transmitting equipment on the frequency 464.650 MHz on a temporary basis (FB6). Although Franklin has operated the radio transmitting equipment at the Bucks County Community College in Newtown, Pennsylvania for more than one year, it failed to make a separate application specifying the fixed location.

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<sup>1</sup>47 C.F.R. § 1.89.

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- b. 47 C.F.R. § 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 July 30, 2009, between 1:30 p.m. and 2:15 p.m., Franklin did not transmit its call sign identification for station WQJJ880 on the frequency 464.650 MHz.
  - c. 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 July 30, 2009, the agent observed that Franklin did not have the equipment or capability to monitor for other users on the frequency 464.650 MHz.
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, Franklin Instrument Co., Inc., 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 Franklin Instrument Co., Inc. 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, Pennsylvania 19047

4. This Notice shall be sent to Franklin Instrument Co., Inc. at its address of record.

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<sup>2</sup>47 U.S.C. § 308(b).

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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

Gene J. Stanbro  
District Director  
Philadelphia District Office  
Northeast Region  
Enforcement Bureau

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

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